



Juvenile Jurisdiction Advisory Committee

3010 Hammond Business Place

Raleigh, NC 27603

10am-2pm Meeting

Thursday, January 11, 2018

Members Present

Honorable Garry Frank – Co-Chair, Bill Davis – Co-Chair, Tarrah Callahan, Honorable Darren E. Campbell, Honorable J.H. Corpening, Michelle Hall, Krista Hiatt, Rachel Johnson, Honorable Jennifer Knox, Deputy Secretary William L. Lassiter, Chief Jeffrey Ledford, Kym Martin, Martin McGee, Carol McManus, Robert Rader, Mary Stansell, Heather Taraska, Marion Warren, Eric Zogry

Presenters

Brad Fowler, Marion R. Warren, William L. Lassiter, Eric J. Zogry, Honorable J.H. Corpening, II

Guests

Catherine Anderson, Ronnie Ansley, Susan Birdsong, Dawn Blagrove, Ryan Boyce, Andy Brandon, Eddie Caldwell, Bonnie Clark, Emily Coltrane, Peg Dorer, Maxine Evans-Armwood, Dale Floyd, Brad Fowler, Michelle Hall, Gene Hallock, Erin Hickey, Megan Honnold, Megan Howell, Adam Johnson, Jonathan Joseph, Diana Kees, Chuck Mallonee, Traci Marchand, Peggy Nicholson, Cindy Porterfield, LaToya Powell, Kimberly Quintus, Carrie Randa, Michael Rieder, Molly Rivera, Jonathan Sink, Garry Skinner, Angie Smith, Mildred Spearman, James Speight, Jean Steinberg, Joe Testino, Marcus Thompson, Jillian Totman, Ricky Watson, Mark White, Theresa Williams

Greeting and Review of December 4, 2017 Minutes

Co-Chair Bill Davis welcomed everyone to the meeting and spoke to the need to develop subcommittees. Committees that members may wish to serve on are: Transfers, Legislative Revisions and Legal Issues, and School-Justice Partnerships. He stressed that this will be a busy year for the JJAC committee; there will be many proposals presented; and decisions will need to be made for inclusion in the legislatively required reports.

Deputy Secretary Lassiter moved to accept the minutes from the previous meeting. The motion was seconded.

Administrative Office of the Courts (AOC) Fiscal Impact

Marion Warren thanked everyone for allowing them to present, and spoke to AOC's work regarding Raise the Age impact analysis. He introduced Brad Fowler, who gave a presentation on the Administrative Office of the Courts' Fiscal Impact.

Juvenile Justice Reinvestment Act: Judicial Branch Workload Considerations

- Judicial Branch workload formulas
 - Background – Previously, workload indicators but collaborated to come up with a better way to measure
 - Staffing resources seeds – Each constituent group sets case filing types
 - Management of resources – Revised often and vacancies taken into consideration
- Judicial Branch workload formula approach
 - Committee directed, approved by the constituent group
 - Equitable analysis of local needs
 - Case weight approach for determining appropriate staffing level
 - Ratio of judges to support staff/trial court administrators

- Requires keeping time for four weeks
 - Determines preliminary case weights
 - ADAs spend 19 minutes on misdemeanors
 - Make recommendations for process improvements in ideal world
 - Computes annually for three years of data
 - Accounts for what work schedule should be (40 hours) to produce time rates
Example: Adjustment made to 20 minutes per misdemeanor for ADAs
- Caseload based on National Court Appointed Special Advocates
- Effective workload formula process
- Case weights – in minutes – No 16- and 17-year old case study (time per case) data because studies don't include that breakdown
 - District Court Judges
 - Superior Court Judges
 - “On bench time” is not a full measure of judge time
 - Assistant District Attorneys
 - ADAs will spend more time to handle juvenile cases
- Staffing needs calculations
 - Number of filings (defendants) x case weight / case-related staff year value
 - Net approach shows that reassignment of existing staff to juvenile cases/court will result in limited additional costs
 - Practitioner cases that are anecdotal will not be the “average” case
- Workload analysis scenarios
 - Calculated as a net impact; how much additional amount of time for 16- and 17- year-olds

Raise the Age has far more dramatic changes than typical changes made in the past.

The perspective of someone who sits across from a client is different than the perspective of someone who is calculating the numbers.

Resources are coming from district and superior criminal court, which will need to be shifted to juvenile court. There will be a lot of communication to shift this workload.

- Potential pool of cases – 13-, 14-, and 15-year-old diversion rates will stay the same; 16- and 17-year-olds diversion rates will be smaller at some point
- Various scenarios were presented regarding the number of minutes needed to process cases
 - 1) Twice as long
 - 2) Three times as long
 - 3) Conference of District Attorneys' recommendation
 - Talked through each case type
 - Collected data
 - Provided reasons it will take additional time
- There are more and complex steps when processing juveniles
- Fiscal Research Division – assumed a 1.75 multiplier for all case weights
- Considerations – NC Administrative Office of the Courts (AOC) and Fiscal Research Divisions used net staffing impact to estimate costs; differences in staff need driven by different case weight assumptions; because the workload for H & I felony cases will transfer from criminal superior court to juvenile district court, district court judge need should be increased from 3 to 5 if Fiscal Research Division case weight assumptions are utilized
- Some felonies will move from superior to district court, so district court net should be 5 not 3

Consider timing of staffing for the system to handle the 16- and 17-year-olds. There needs to be time to train new staff in the juvenile system. Staff should be in place well before the date of implementation.

Questions/Discussion/Motions:

Deputy Secretary Lassiter: If resources need to be tweaked, we can work with AOC. The resource requests the presenters discuss today are ones that have impact in FY 18-19. These are the resources we hope to include in the committee's March 1, 2018 report.

Marion Warren: See what the tweaks are, see what we need to do, especially for Chapter 27, which takes them out of juvenile court to superior court. Continue taking in information, look at substantive work needs and cost. The Judicial branch will come back with some cost considerations at that time. Maybe by the 3rd or 4th meeting. **Garry Frank** agreed that it is premature to have all comprehensive costs outlined, and should wait.

Mary Stansell: The defense's fiscal impact was not represented in the fiscal note or presentation. Indigent Defense Services (IDS) needs two additional full time employees. IDS Time Study hasn't yet been done, and won't be done in time. Additional Public Defenders won't be needed until 2019-20. Will probably not need to be in the March report this year.

Marion Warren: We will need to ask for additional resources later.

Juvenile Justice Policy Considerations & FY 18-19 Needs

Deputy Secretary Lassiter: Fiscal research is relying on the committee to say how much Raise the Age will cost. Legislation requires a report to the Legislature by March 1, 2018. This will be a basic report (what needs to be approved in the short session, as preparation for Raise the Age).

March 1, 2019 will be the final report with full budget needs: Legislation has asked for these things:

- Implementation Plan
- Costs (subcommittees to look at funding needs)
- Legislative, administrative, and funding recommendation
- Whether listed offenses should be excluded from juvenile jurisdiction

Everyone needs to understand what the specific needs are if they are asked by stakeholders.

- Subcommittees
 - Legislative Revisions and Legal Issues (motor vehicle offense definitions, hearing deadlines, exclusions, etc.). Legal minds would be good for this subcommittee
 - Housing of Transferees (A-G transfers to the adult system held pending conviction). Sheriffs would be good for this subcommittee
 - School-Justice Partnership Liaisons – This will drive all the other numbers we are talking about and reduce the cost of this whole endeavor. When other states raised the age, the numbers dropped for the younger juveniles. Connecticut's rate dropped completely off the map
- Fiscal Impact
 - Administrative Office of the Courts
 - Juvenile Justice
 - Indigent Defense Services
 - DSS and Mental Health Services – if we could get service to these juveniles, they could be diverted
- Fiscal Impact: Juvenile Justice Section
 - Facilities
 - Located in Rockingham County
 - RfP has gone out and design is in the planning stage
 - Operational at the end of 2021 or 2022 so contingency plan will have to be made to house juveniles until it is done

- Land cost was not factored in so additional funding will be requested
- Hope to have numbers ready by March 1st
- We received planning money for Raise the Age, and some was moved to cover site work
- Timeline for facility
 - March 2018 – Select Designer
 - October 2018 – Buy Land
 - August 2019 – Design
 - January 2020 – Bid & Begin to Construct
 - December 2021 – End Construction
 - February 2022 – Opening Day
- Funding was only for a Youth Development Center, not Detention, so we will need to look at Detention
- Court Services – All complaints originate with Court Counselors
 - Field Support Specialist positions
 - Timeline for Field Support Specialists positions
 - Vacant positions have been used to create these new positions
 - Court Services positions
 - Preparing Positions
 - Hiring Process for Criminal Justice Certified staff
 - Train & Onboard Criminal Justice Certified staff
 - Rationale for 292 Juvenile Court Services Positions
 - Court Services Positions
 - Aggregated positions over a three-year period
 - Annualized
 - Final year is for all 292 positions
 - Committee will look at the numbers and make changes as needed

Eric Zogry: How are we figuring out the space to house the Court Counselors?

Deputy Secretary Lassiter: Office space is required to be provided by local governments. We are meeting with local officials during district stakeholder forums to facilitate the plan for office space. Some districts are having as many as three meetings because counties are so large.

- Court Services Hiring Plan
- Court Counselors, Supervisors, Office Assistants
- Preparatory work can be done in FY 18-19 to establish positions across the state
- Certified budget must be completed before positions can be established. Need to establish positions in 2018-19. Takes approximately 5 - 6 months to get a criminal justice certified staff member hired, and then additional 6 weeks to get them trained and onboarded.
- Transportation
 - Open to more discussion on this topic
 - Hire more drivers (15 Youth Counselor Technicians) and transform all current driver positions to criminal justice certified positions
 - Purchase vans to transport larger juveniles and more than one juvenile at a time
 - Increase the reimbursement funds available to law enforcement officers who transport our juveniles
 - Committee to make recommendation on teleconferencing. This would save a lot of time and money in transportation costs. Need to come up with some standards

- across the state. What works in one county may not work in another county. This would also work with families to have video conferences in Court Services offices.
- Community Programs
 - Community based services across the state for younger youth. Need to make sure we have services for 16- and 17-year-olds
 - Must be more responsive to victims. Restitution is capped at \$500.00 for level 1 offenses and goes up for level 2. Consider raising the cap
 - Juveniles to job-shadow; we pay in the beginning, then company takes over paying. The juveniles then pay restitution to victims
 - School-Justice Partnership. Are there some resources we want to put in place to make this work for diversion?
 - JCPC programming costs the state about \$900.00/youth
 - Teen Court – often much more consequential than regular court. Recidivism is 12% for juveniles who go through teen court.
 - Done through JCPCs
 - Want to make sure every community has access to Teen Court
 - Restitution, community service & vocational skill building
 - Done through JCPCs
 - Residential services – need to increase the number of beds across the state
 - Done by state-wide contracts
 - Need authorization from legislation to begin the process
 - JCPC Funding – try to increase to two or three-year funding instead of one year
 - Transfers
 - Any juvenile A – G felony will be transferred to adult court
 - Committee to consider putting into legislation that 18-year-olds go to adult jail while awaiting adult trial.
 - Reverse waiver: Juvenile pleads down to an “I” felony so (s)he no longer has adult charges and can be brought back to juvenile court. If they have the possibility of coming back to juvenile court, do we want them in adult jail to begin with?
 - Motor vehicle offenses: Preference for many sheriffs would be to have all juveniles out of their jails. Larger jails may have more room to have separate sight-sound to house both juveniles and adults.
 - Excluded offenses: The population moving to adult would grow
 - Discussed G.S.7B-2204
 - We must decide as a committee what to do with this population
 - We currently house all juveniles who are awaiting adult court
 - Look at federal law Juvenile Justice and Delinquency Prevention Act (JJDPA) protections
 - Deinstitutionalization of status offenders (DSO)
 - Adult jail and lock-up removal (Jail removal)
 - “Sight and sound” separation
 - Disproportionate Minority Contact (DMC)
 - PREA is much stricter for juveniles than for adults
 - Sight and sound separation in housing area
 - Separation or direct staff supervision in other areas (1 on 1)
 - Daily large muscle exercise
 - Special education services, program and work opportunities
 - Related decisions and considerations
 - Videoconferencing

- Renovation Issues
 - Transport across campus
 - Fencing
 - Recruitment and hiring
 - Infrastructure
 - Meals
- If the committee votes to keep all A-G youth, one consideration is re-opening C.A. Dillon
 - This would house all the transferees
 - Video conferencing would be very important if we do this
 - Our juveniles stay for approximately 17 days; transferees are with us 10 months
 - Populations should not be mingled
- Committee to look at possible exclusions
 - Options regarding exclusions:
 - Keep A – G (as is)
 - Support recodification to address offense class issues
 - Exclude specific crimes
 - Does not eliminate H – I felonies to be transferred
 - Think through the unintended consequences to the practitioners in the field

Michelle Hall: There is a body to look at classification; the Sentencing Commission’s mandate requires that it examine issues related to offense classification. It would be possible to recommend that the Sentencing and Policy Advisory Committee (SPAC) examine the list for potential reclassification.

Kym Martin: Remarked on exclusions noted by John Locke report

Deputy Commissioner Lassiter: Ensure we do due diligence on what we recommend

LUNCH: Readjourn at 12:30 pm

Office of Indigent Defense FY 18-19 Needs

Eric Zogry: What are the fiscal requests; what does Juvenile Indigent Defense look like in NC?

Background:

- How do juveniles get lawyers? *Gideon v. Wainwright* gave the right to paid counsel; In *re: Gault* stated that juveniles get this right;
- 1970 – First public defender offices
- 2000 – Office of Indigent Defense Services
- 2005 – Office of the Juvenile Defender
- 1987 – Children’s Law Center (Council for Children’s Rights) representing since 1987. Longest running contract
- 2003 – After IDS got started – first individually negotiated contracts with Juvenile Defense
- 2012 – First Request for Proposal (RfP) contracts
- Presentation on District Court District maps
 - RFPs, privately assigned counsel, or both
- “Dedicated Defenders” – attorneys who focus on this work
 - Increases quality
 - Increases court efficiency
 - More cost effective
- Only a fraction of the state has juvenile contracts or representatives
- IDS fiscal requests: cost of representation
 - IDS estimates an increase of \$592,842 for raising the age of juvenile jurisdiction

- Recommended to the IDS commission to get a better handle on who is doing what work, we need more staff. Eric Zogry, Kim House, and Markus Thompson are the current staff
 - Assistant Juvenile Defender in western area
 - Additional Contracts Administrator in FY20
 - Split the state in thirds and can focus on one particular area
 - Provide more localized training and technical work
 - Better work with all our partners
 -

Questions/Discussion/Motions:

Kym Martin: What is the difference between juvenile defenders and court appointed attorneys (adult), and what is the importance of having this expansion?

Eric Zogry: Specialization and competence in juvenile system.

Mary Stansell: In one case, a lawyer was retained to represent a juvenile for a drug offense. The attorney walked into court, and said he wanted it transferred to adult court (because he didn't know anything about juvenile court). This is an example of why we need people who specialize in the juvenile system.

Eric Zogry: If you are in a juvenile practice, you have to know all about adult procedures and juvenile procedures, stakeholders, etc.. Mary Stansell is present in the court to notice these things. Main goal of this office is to begin to change the philosophy of what you do in the courtroom. Do what is in the child's best interest. Know what you are doing, and want to be there doing it.

Mary Stansell: It's not just needing to know how to try a case in adult court; but also needing to know all about rehabilitation and disposition. We spend a lot of time in what a disposition will look like, and what the local community has to offer the juvenile. Know both the law and what is available.

School-Justice Partnership Project

J.H. Corpening:

- Background: useful in Raise the Age. Used to be a matter of discipline and was dealt with in school. Became very punitive. Grew tired of this and in 2003 decided that something else needed to be done. Judge Teskey started the School-Justice Partnership Project. Pulled together stakeholders and were able to implement the partnership. Referrals to juvenile complaints dropped 47%. We can change the behavior for the better. Do right by juveniles first.
- Charge to Director: Work with Chief District Court Judges to reduce number of complaints
- Charge to Judge Corpening: Start to look at what this will look like. Work on implementation.
- The Project
 - Started before enacted in law
 - New Hanover, Wake, Mecklenburg, Brunswick, Orange already have agreements. Won't see a huge jump since already in place
 - Wayne, Lenoir, Green on the verge of signing their agreements
 - Just because they are rural it doesn't mean they have no resources or aren't creative
 - Early stages with Pitt, Halifax and Onslow; conversations with numerous counties
- Graduated responses to behavior
 - Legislation enacted
 - Chief District Court Judge Leadership Training at the UNC School of Government
 - Provide background on the work
 - Prepare them to convene in their communities
 - Help them to find a connection to the work – Find their “why”
 - Initiate a process to do the work
- Presentation at the Conference of Elected District Attorneys

- Presentation at the Fall Conference of District Court Judges
- Earlier presentations at Juvenile Justice and Court Manager events
- Calls almost every Friday afternoon to the Director
- Now has a team working with him:
 - LaToya Powell, AOC
 - Barbara Moore, AOC
 - Mildred Spearman, AOC
 - McKinley Wooten, AOC
 - Jessie Smith, SOG
 - Technology support from AOC
 - Administrative support from AOC
- Current planning:
 - Develop a comprehensive toolkit for start to finish implementation of a School-Justice Partnership agreement
 - Step by step guide
 - Tools, such as model agreements, graduated responses
 - Frequently asked questions (with answers)
 - Summaries of research on the topic
 - Sample timelines
 - Sample meeting agendas
 - Sample presentations including training
 - Contacts for administrative and expert support
 - Target timeline for completion: March 1st (we hope!)
 - Website developed through AOC
 - Video resources
 - Facilitator training
 - Then we'll go forth: A number of districts are ready to go once the toolkit is finished
 - Start with districts that have already expressed interest
 - Support from the Chief Justice and Director
 - Hoping for the toolkit to be ready by March 1st
 - Looking at who will be the facilitators
 - First to districts who have expressed an interest and will go from there
 - This practice has full support
- Hope subcommittee will concentrate on the language on this. Talk about funding and resources
- Challenged folks to think of this as parents. Suspensions to work to change behaviors. Consequences take place when it happens, not 60 days down the road.

Questions/Discussion/Motions:

Kym Martin: I can't speak for Superintendent Johnson, but he may be able to put something out about who to talk to regarding School-Justice Partnerships.

Rachel Johnson: Any concerns from counties opposed to beginning partnerships?

J.H. Corpening: So far, only concerns regarding resources needed. Would be glad to make a road trip to meet with them.

Next Steps & Chairs' Expectations

Bill Davis: Creation of subcommittees

Garry Frank made a motion to create three subcommittees:

1. Legislative Revisions and Legal Issues: Heather Taraska – Chair; Robert Rader, Heather Knox, Martin McGee, Tarrah Callahan, Eric Zogry, Mary Stansell, Ricky Watson, Michelle Hall, LaToya Powell. Motion to accept made and seconded
2. Housing of Transferees: Sheriff Campbell – Chair, William Lassiter, Michelle Hall, Carol McManus, Eric Zogry, Martin McGee, Jim Speight, Eddie Caldwell (and other Sheriffs), LaToya Powell, Susannah Birdsong, Court Services Staff (TBD). Motion to accept made and seconded
3. School-Justice Partnerships: J.H. Corpening – Chair; Jeffery Ledford, LaToya Powell, Mary Stansell, Kym Martin, Tarrah Callahan, Rachel Johnson, Krista Hiatt, Ronny Ansley, Peggy Nicholson, Cindy Porterfield, Kimberly Quintus. Motion to accept made and seconded.

In addition, subcommittees will meet at the discretion of the Chairs, be allowed to get advice and council from anyone, and the Chairs are to be ex-officios of subcommittees. Robert Rader seconded, no one opposed.

Subcommittee meeting dates to be sent to all members so that they can attend other meetings if time permits.

Deputy Commissioner Lassiter: Subcommittee Chairs to meet with Kim Quintus after this meeting to organize correspondence.

Motion to authorize Chairs to add more members. Seconded. Passed.

May need to call an additional meeting for Committee members to meet prior to March 1st so recommendations can be in the report. Main thing needed to get to legislators is the 18-19 fiscal needs.

Next meetings

- 2/5/18 from 10:00 am – 2:00 pm
- 3/21/18 from 10:00 am – 2:00 pm

Adjournment

The meeting was adjourned at 1:40 p.m. Seconded. Passed.

Additional Instructions

Any changes to your contact information should be sent to kimberly.quintus@ncdps.gov.

Minutes taken by:

Bonnie Clark

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