



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

Friday, August 24, 2018

Members in Attendance

Honorable Garry Frank – Co-Chair, Bill Davis – Co-Chair, Tarrah Callahan, Darren Campbell, Michelle Hall, Krista Hiatt, Deputy Secretary William L. Lassiter, Kym Martin, Carol McManus, Honorable Robert Rader, Mary Stansell, Heather Taraska, Eric Zogry

Guests in Attendance

Catherine Anderson, Maxine Evans-Armwood, Matthew Boyatt, Ruby Brown-Herring, Pablo Campos, Bonnie Clark, Janet Clarke-McLean, Emily Coltrane, Paige Cook, Alicia Davis, Mike Danisha, Dale Floyd, Tawanda Foster, Michelle Frazier, Kate Giduz, Gene Hallock, Erin Hickey, Meagan Honnold, David Hughey, Matthew Jenkins, Adam Johnson, Peter Kuhns, John Madler, Traci Marchand, Andrea K. Moore, Peggy Nicholson, Kristin Parks, Susan Pollitt, Cindy Porterfield, Kimberly Quintus, Carrie Randa, Mike Rieder, Monica Shabo, Jennifer Short, Gary Skinner, Angie Smith, Mildred R. Spearman, Sophia Tan, Joe Testino, Sam Thorp, Ricky Watson, Jordan Wilkie, Theresa Williams

Call to Order: 10:02 am

- Quorum requirement met.
- Minutes reviewed and accepted.

Legislative Revisions and Legal Issues Subcommittee Recommendations & Vote

Heather Taraska, Assistant District Attorney, Mecklenburg County

LRLI subcommittee met June 29, 2018. The following are the subcommittee's recommendations:

Recommendation #1:

- Amend S.L. 2017—57, § 7B-2200.5(a)(1) to include "E".
This recommendation can be bypassed as it has already been updated as a technical correction.

Recommendation #2:

- Add to § 7B-2200.5 a new (c): The probable cause hearing shall be conducted within 90 days of the date of the juvenile's first appearance. The court may continue the hearing for good cause.

" § 7B-2200.5. Transfer of jurisdiction of a juvenile at least 16 years of age to Superior Court.

(a) If a juvenile was 16 years of age or older at the time the juvenile allegedly committed an offense that would be a Class A, B1, B2, C, D, E, F, or G felony if committed by an adult, the court shall transfer jurisdiction over the juvenile to Superior Court for trial as in the case of adults after either of the following:

- (1) Notice to the juvenile and a finding by the court that a bill of indictment has been returned against the juvenile charging the commission of an offense that constitutes a Class A, B1, B2, C, D, F, or G felony if committed by an adult.

(2) Notice, hearing, and a finding of probable cause that the juvenile committed an offense that constitutes a Class A, B1, B2, C, D, E, F, or G felony if committed by an adult.

(b) If the juvenile was 16 years of age or older at the time the juvenile allegedly committed an offense that would be a Class H o r I felony if committed by an adult, after notice, hearing, and a finding of probable cause, the court may, upon motion of the prosecutor or the juvenile's attorney or upon its own motion, transfer jurisdiction over a juvenile to Superior Court pursuant to G.S. 7B-2203."

(c) The probable cause hearing shall be conducted within 90 days of the date of the juvenile's first appearance. The court may continue the hearing for good cause.

Martin: When would this change be effective?

Zogry: We assumed with the implementation of the change in juvenile jurisdiction- December 1, 2019. That's a good point. Should we account for that?

Rader: The language of Recommendation #2 is currently found in 2202, not 2200.5.

Taraska: The placement of this language was discussed during the subcommittee meeting.

Stansell: The idea is to give the expanded time to 16- and 17-year-olds, not for 15 & under. 2200.5 is for the 16- & 17-year-old transfers.

Zogry: It wouldn't hurt to put in 2200.5 that it applies to juveniles older than 15. Should we add the portion recommendation #4 language to clarify?

Taraska: Yes, starting with "if the juvenile was 16 years old" and ending with "if committed by an adult."

- **New language:** Recommendation to add to 7B-2200.5, a new (c): If the juvenile was 16 years of age or older at the time the juvenile allegedly committed an offense that would be a Class A, B1, B2, C, D, E, F or G felony if committed by an adult, the probable cause hearing shall be conducted within 90 days of the date of the juvenile's first appearance. The court may continue the hearing for good cause.

Zogry moved to accept Taraska's language as amended. Motion seconded and carried.

Taraska: Let's proceed to recommendation #4, and return later to recommendation #3. This represents an increase from 10 to 30 days for the 16- and 17-year old group only.

Recommendation #4:

- Add to § 7B-1906, a new (b1): As long as the 16- and 17- year old remains in secure custody, if the juvenile was 16 years of age or older at the time the juvenile allegedly committed an offense that would be a Class A, B1, B2, C, D, E, F or G felony if committed by an adult, further hearings to determine the need for secure custody shall be held at intervals of no more than 30 calendar days. Further hearings on the need for continued secure custody may be waived only with the consent of the juvenile. Upon request of the juvenile, through counsel for the juvenile, further hearings may be held at intervals of 10 days for good cause determined by the court.

§ 7B-1906. Secure or nonsecure custody hearings.

(a) No juvenile shall be held under a secure custody order for more than five calendar days or under a nonsecure custody order for more than seven calendar days without a hearing on the merits or an initial hearing to determine the need for continued custody. A hearing conducted under this subsection may not be continued or waived. In every case in which an order has been entered by an official exercising authority delegated pursuant to G.S. 7B-1902, a hearing to determine the need for continued custody shall be conducted on the day of the next regularly scheduled session of district

court in the city or county where the order was entered if the session precedes the expiration of the applicable time period set forth in this subsection. If the session does not precede the expiration of the time period, the hearing may be conducted at another regularly scheduled session of district court in the district where the order was entered.

(b) As long as the juvenile remains in secure or nonsecure custody, further hearings to determine the need for continued secure custody shall be held at intervals of no more than 10 calendar days. A subsequent hearing on continued nonsecure custody shall be held within seven business days, excluding Saturdays, Sundays, and legal holidays when the courthouse is closed for transactions, of the initial hearing required in subsection (a) of this section and hearings thereafter shall be held at intervals of no more than 30 calendar days. In the case of a juvenile alleged to be delinquent, further hearings may be waived only with the consent of the juvenile, through counsel for the juvenile.

(1) As long as the 16- and 17- year old remains in secure custody, if the juvenile was 16 years of age or older at the time the juvenile allegedly committed an offense that would be a Class A, B1, B2, C, D, E, F or G felony if committed by an adult, further hearings to determine the need for secure custody shall be held at intervals of no more than 30 calendar days. Further hearings on the need for continued secure custody may be waived only with the consent of the juvenile. Upon request of the juvenile, through counsel for the juvenile, further hearings may be held at intervals of 10 days for good cause determined by the court.

(c) The court shall determine whether a juvenile who is alleged to be delinquent has retained counsel or has been assigned counsel; if the juvenile is not represented by counsel, counsel for the juvenile shall be appointed in accordance with rules adopted by the Office of Indigent Defense Services.

Davis: Did the subcommittee discuss why?

Taraska: This would provide additional time for the older population.

Lassiter: This would help with resources and diminish transportation needed (frequency of trips).

Taraska: It would further reduce the burden to victims, victim's families, and the court time.

Motion made to accept recommendation, seconded, carried.

Taraska introduced recommendation #3.

Recommendation #3:

- Add to § 7B-2200.5 a new (d): In any case where jurisdiction of a juvenile has been transferred to Superior Court, upon joint motion of the prosecutor and juvenile's (defendant's) attorney, the court shall remand the case back to Juvenile Court. This record is then automatically expunged following remand to Juvenile Court.

" § 7B-2200.5. Transfer of jurisdiction of a juvenile at least 16 years of age to Superior Court.

(a) If a juvenile was 16 years of age or older at the time the juvenile allegedly committed an offense that would be a Class A, B1, B2, C, D, E, F, or G felony if committed by an adult, the court shall transfer jurisdiction over the juvenile to Superior Court for trial as in the case of adults after either of the following:

(1) Notice to the juvenile and a finding by the court that a bill of indictment has been returned against the juvenile charging the commission of an offense that constitutes a Class A, B1, B2, C, D, F, or G felony if committed by an adult.

(2) Notice, hearing, and a finding of probable cause that the juvenile committed an offense that constitutes a Class A, B1, B2, C, D, E, F, or G felony if committed by an adult.

(b) If the juvenile was 16 years of age or older at the time the juvenile allegedly committed an offense that would be a Class H or I felony if committed by an adult, after notice, hearing, and a finding of probable cause, the court may, upon motion of the prosecutor or the juvenile's attorney or upon its own motion, transfer jurisdiction over a juvenile to Superior Court pursuant to G.S. 7B-2203."

(c) The probable cause hearing shall be conducted within 90 days of the date of the juvenile's first appearance. The court may continue the hearing for good cause.

(d): In any case where jurisdiction of a juvenile has been transferred to Superior Court, upon joint motion of the prosecutor and juvenile's (defendant's) attorney, the court shall remand the case back to Juvenile Court. This record is then automatically expunged following remand to Juvenile Court.

Motion made to accept recommendation, seconded, carried.

Implementation Update from Juvenile Justice

William L. Lassiter, Deputy Secretary for Juvenile Justice

- Discussed current recommendations and upcoming recommendations.
- Ahead of schedule for 15 Field Service Specialist positions. We already interviewing for these positions, and hope to have them on the job by October; goal is to have one in each Court Services district. FSS's will be able to use Sisense to get useful information out to communities.
- The Legislature provided an additional 65 positions. Can begin hiring May 2019. Internal posting first, then open to the public. Begin interviewing in March.
- Revising 49 Juvenile Justice policies. This will necessitate additional training.
- Working with the University of North Carolina – School of Government to develop materials for training field staff, job aids, bench cards for judges, reference cards for LE, and process delineation for CC. Online and in person training. Harvard Law graduate Jacqui Greene has experience in juvenile justice in New York and nationally – which will be especially useful as New York has recently gone through a “raise the age” process.
- Facility Update: Working with Madison County for additional detention beds. In discussion with the new Sheriff in Mecklenburg County, who is in agreement with providing additional 121 beds. Sheriff in Gaston County is looking into reopening their detention center. Stokes County is interested in providing a hold-over facility. Renovating C.A. Dillon prior to opening Rockingham YDC. Then convert to Detention beds once Rockingham is open. Hyde County possibly having hold-over or transfer facility.
- Rockingham YDC project: Received the additional funding that was requested. The original \$13.2 million budget needed to increase to \$20.2 million and was approved. Purchase of property has been approved. Approved a new zoning ordinance to allow a juvenile justice facility. A special use permit will be voted on September 11th. Rockingham YDC will be a 60-bed facility. We will bring the facility plans to the next meeting for those who are interested in seeing the blueprints.
- Legislative Allocations: We did not get all the allocations that were requested. Additional needs include over 400 more staff, JCPC program funding, Level 3 and re-entry vocational programming, contractual/residential programming, the State's share of detention, Transportation vans, electronic monitoring, C. A. Dillon operating costs, videoconferencing, additional AOC positions, funding existing AOC staff deficiencies, two positions at the Office of Juvenile Defender. We must ensure that the report to be submitted in January accurately reflects the funding that is still needed.
- We have just established implementation and training strategies.

- Annual report due January 15, 2019 which will include requests for the upcoming year. Stakeholder recommendations will also be included.
- Work on comprehensive revision with all changes that have been recommended prior to submitting the January report.
- The Governor's Crime Commission top priority is Raise the Age.
- We'll be working on a campaign to communicate to legislators, the recommendations. Hoping to get revised language in November.

Martin: All these new detention centers, they will be different because they will receive educational services. Exactly what is the intension – long-term or short term?

Lassiter: The new beds will primarily be long-term for transferees pending conviction and sentencing.

Martin: Is there anything being done for the 16- and 17-year-olds who have an existing adult conviction?

Callahan: We have an expungement task force. Language to allow expunging records is in process. It's in draft format.

Discussion resulted in the following: Tarrah Callahan will send draft to Heather Taraska for the LRLI subcommittee to look at, then be presented to the full committee. Taraska will set-up a meeting between now and 11/8/18 to review this.

Taraska asked for dates to hold the next LRLI subcommittee meeting.

Davis: Call for new business.

No questions, no new business.

Motion to adjourn made, seconded, and carried.

Adjourned at 10:55 am

Next meeting:

- Juvenile Jurisdiction Advisory Committee meeting: November 8, 2018 from **10am-2pm at 3010 Hammond Business Pl, Raleigh, NC**