



**Juvenile Jurisdiction Advisory Committee**

3010 Hammond Business Place

Raleigh, NC 27603

Tuesday, February 20, 2018

**Members**

Honorable Garry Frank – Co-Chair, Bill Davis – Co-Chair, Betty Budd, Tarrah Callahan, 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

**Proxies**

For Sheriff Darren Campbell from the Iredell County Sheriff's Department, Captain Bill Hamby; for Judge Jay Corpening, the Director of the Administrative Office of the Courts, Marion Warren.

**Guests**

Catherine Anderson, Ann Anderson, Ronnie Ansley, Matthew Boyatt, Ryan Boyce, Andy Brandon, Bonnie Clark, Emily Coltrane, Peggy Dorer, Nicole DuPré, Amy Elliott, Maxine Evans-Armwood, Dale Floyd, Tawanda Foster, Brad Fowler, Gene Hallock, William Hamby, Erin Hickey, Megan Howell, Jonathan Joseph, Diana Kees, John Madler, Chuck Mallonee, Traci Marchand, Joanne McDaniel, Peggy Nicholson, Cindy Porterfield, LaToya Powell, Carrie Randa, Mike Rieder, Angela Smith, Monica Shabo, Brooke Shearin, Gary Skinner, Mildred Spearman, James Speight, Jennifer Story, Joe Testino, Marcus Thompson, George Tkach, Jillian Totman, Ricky Watson, Mark White, Jordan Wilkie, Theresa Williams, McKinley Wooten

**Call to Order: 10:04 AM**

- Minutes reviewed and accepted

**Legislative Revisions and Legal Issues Subcommittee Recommendations & Vote**

**Heather Taraska, Subcommittee Chair**

Recommend that the items listed remain in juvenile jurisdiction.

- **Recommendation #1** – The committee recommends including items in SECTION 16D.4.(rr) (1) through Section 16D.4(rr) (10) in juvenile jurisdiction.
  - All were in favor. Motion carried. No opposition.
- **Recommendation #2** – The committee further recommends amending SECTION 16D.4.(rr) (10) to read “Any H, I, or misdemeanor offense requiring registration as a sex offender pursuant to Article 27A of Chapter 14 of the General Statutes.”
  - All were in favor. Motion carried. No opposition.

**Housing of Transfers Subcommittee Recommendations & Vote**

**William Lassiter presenting on behalf of Subcommittee Chair Sheriff Darren Campbell.**

- **Recommendation #1-** All persons less than 18 years of age who are ordered to be held in custody prior to their trial or adjudication, whether in adult court or juvenile court, shall be housed in an approved Juvenile Justice Section facility, and not be incarcerated in county jails (unless the county jail has an agreement with the Juvenile Justice Section to house juveniles).

- Discussion on the use alternatives; right to pretrial release; and housing of 16-and-17-year-olds charged with adult crimes.
  - All were in favor. Motion carried. No opposition
- **Recommendation #2-** Once it is determined that a person less than 18 years of age will be held in custody prior to trial or adjudication, that person shall be transported to and from the approved Juvenile Justice Section facility by Juvenile Justice Section personnel or personnel authorized by the Juvenile Justice Section.
  - Discussion on transportation team work schedules; law enforcement reimbursements; holdover facilities; and transportation team training.
  - All were in favor. Motion carried. No opposition
- **Recommendation #3-** All persons less than 18 years of age who are convicted in adult court and are sentenced to be held in custody shall be housed in an approved Prisons Section facility and not be incarcerated in county jails (unless the county jail has an agreement with the Juvenile Justice Section to house juveniles)
  - Discussion on current housing of misdemeanants under age 18 and provision for governor to transfer any person less than 18 years of age.
  - Discussion on transport to prison, resources needed for detention beds, and sight and sound separation.
  - **Zogry:** Minutes should reflect that there is an official acknowledgement that this issue needs to be defined further to address the policy issue.
  - **Warren:** Motion to amend Recommendation #3. Moved and carried: ***Amended Recommendation #3: All persons less than 18 years of age of age who are convicted in adult court and are sentenced to be held in custody shall be housed in an approved facility operated by the Adult Correction and Juvenile Justice Division and not be incarcerated in county jails (unless the county jail has an agreement with the Juvenile Justice Section to house juveniles)***
    - All were in favor. Motion carried. No opposition.
- **Recommendation #4-** Any person who is held in the custody of the Juvenile Justice Section prior to their trial in adult court, upon becoming 18 years of age, shall be transferred to the custody of the county jail where the charges arose by Juvenile Justice Section personnel or personnel authorized by the Juvenile Justice Section.
  - All were in favor. Motion carried. No opposition.
- **Recommendation #5-** The committee requests that the General Assembly fund a unified video conferencing system that allows communication between both juvenile detention and adult detention facilities and the courts to reduce transportation costs, improve access to the courts, and improve safety.
  - **Stansell:** There is currently no secure area for a defense attorney to speak to their client in a video conference setting. I would like to see funding for this environment for these conversations.
  - **McGee: *Amended Recommendation #5:*** The committee requests that the General Assembly fund a unified video conferencing system, with the Administrative Office of Courts to administer standards in consultation with the Department of Public Safety, that allows communication between both juvenile detention and adult detention facilities and the courts to reduce transportation costs, improve access to the courts, and improve safety.
    - All were in favor. Motion carried. No opposition.

**Office of Juvenile Defender Fiscal Needs Vote**  
**Co-Chair Bill Davis introduced Eric Zogry**

- **Recommendation:** Authorize \$129,575 in FY 18-19 and \$222,248 in FY 19-20. These funds are recommended because the Office of Juvenile Defender is anticipating increased work in juvenile court with implementation of the Juvenile Justice Reinvestment Act, and is requesting one additional attorney position for FY2019. OJD will need a contracts administrator position in FY 2020, depending on results of efforts to identify areas where contracts are the best delivery system for the service.
  - **Davis:** Called for vote. No opposition. Zogry abstained. Hire during fall of 2018.
- **Stansell:** Moves to add \$129,575 to add a resource prosecutor.
  - Discussion on need to consult Conference of DAs to determine exact needs.
  - **Warren:** Move to table the motion. **McGee** seconded. The motion to table carried. **Taraska** opposed.

**Contents of March 1, 2018 Juvenile Age Report**

- **Lassiter:** Reviewed contents of report and issues up for vote
- **Voting:**
  - **Staggered implementation**
    - **Lassiter** moved to not stagger implementation. The committee seconded. Motion carried. No opposition.
  - **Juvenile Justice funding**
    - **Lassiter** moved for committee to accept resource chart. **Warren** seconded. Motion carried. No opposition.
  - **Accept interim report content**
    - Vote: “I authorize submission of this report content to the legislature, to include any changes agreed upon during the 2/20/18 Juvenile Jurisdiction Advisory Committee meeting.”
    - Moved, seconded, carried, no opposition.

**Judicial Branch Funding**

**Brad Fowler, Administrative Office of the Courts**

- **Recommendation:** Additional positions effective 1/1/2019: 5 District Court Judgeships (29A, 22A, 4, 19A, and 23), 8 Assistant District Attorneys (11A, 13, 9, 18, 25, 11B, 7, 27A), 7 District Attorney Legal Assistants, and 6 Deputy Clerks for an annualized cost of \$2,735,833 and a non-recurring cost of \$122,841.
  - Discussion on formula used to make assignments; impact on specific counties; funding based on workload needs; methodologies; and existing unmet needs.
- **Davis:** Add to report a recommendation to fund the existing shortfall.
  - **Amended:** The committee recommends the following additional positions effective 1/1/2019: 5 District Court Judgeships (in 29A, 22A, 4, 19A, and 23), 8 Assistant District Attorneys (in 11A, 13, 9, 18, 25, 11B, 7, 27A), 7 District Attorney Legal Assistants, and 6 Deputy Clerks for an annualized cost of \$2,735,833 and a non-recurring cost of \$122,841. The FY 18-19 impact is \$1,367,917 recurring and \$122,841 nonrecurring.

This committee accepts the Administrative Office of the Court recommendation as to the current deficit of resources as calculated using the NC Center for Safe Courts formula. However, it does not address all of the resources needed by the constituent judicial branch stakeholders to meet the anticipated raise the age workload given existing staff

deficiencies. The Committee recommends funding the existing Administrative Office of the Courts' staff deficiencies as well.

- Motion carried. **Rader** opposed.

### **Next Steps & Chairs' Expectations**

**Davis:** Letter – Raise the Age Juvenile Taskforce – Recommendations referred to appropriate subcommittees.

**Zogry:** Bar Association having meeting on May 10<sup>th</sup>, Annual Conference on Raise the Age, if anyone is interested in attending. They will be providing information on how education and child welfare are looking at this.

**Davis:** 2:00 pm motion to adjourn. Seconded. Adjourned.

Next meetings: **May 22, 2018 from 10am-2pm at 3010 Hammond Business Pl, Raleigh, NC**