



# AN UPDATE ON “RAISE THE AGE”

2018 DISTRICT COURT JUDGES FALL CONFERENCE

## AGENDA

- Implementation Updates
  - Raise the Age funding
  - NCAOC Updates
    - J Wise Attorney Access
    - School Justice Partnerships
- JJAC Recommendations
  - Juvenile Jurisdiction Advisory Committee (JJAC)



# RAISE THE AGE – BRIEF SUMMARY

## S.L. 2017-57 (SB 257), effective 12/1/2019

- Raises the maximum age of juvenile court jurisdiction to 18
- Requires expedited transfer to superior court for Class A-G felonies by 16 & 17-year-olds
  - Indictment by prosecutor
  - Probable cause hearing
- Requires the NCAOC to:
  - Expand JWisE access to attorneys by July 1, 2018
  - Expand school justice partnerships statewide (no timeline)



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## ESTIMATED IMPACT ON JJS

### Population increase:

- 22,082 additional juvenile complaints each year
  - 20,814 (Misd. and H or I felonies)
  - 1,268 (A-G felonies)
- 8,673 distinct juveniles
  - 16 & 17-year-olds

### Programming/Court Services needs:

- Juvenile Justice staff
  - 292 positions by 2020
- Community programs
- Residential contracts
- Transportation
- Facilities
  - 90 YDC beds
  - 181 detention beds

\*\*March 1, 2018, *Juvenile Age Interim Report*, Juvenile Jurisdiction Advisory Committee, available at <https://www.ncdps.gov/our-organization/juvenile-justice/key-initiatives/raise-age-nc/juvenile-jurisdiction-advisory-committee>



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## FUNDING AND RESOURCES



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### RAISE THE AGE – FUNDING

- **New** Rockingham County Youth Development Center
  - \$13.2 million allocation (S.L. 2017-57, SB 257)
  - 60 bed facility
  - 45,000 sq. ft., five 12-bed pods
  - Opens February 15, 2022
  - *(Note: DJJ estimates that additional \$5,193,000 is needed for this project)*
  
- **New** Juvenile Justice positions
  - \$1,879,327 allocation for 65 full-time positions (S.L. 2018-5, SB 99)
  - 40 court counselors, 15 court counselor supervisors, 10 office assistants
  - Available on May 8, 2019



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## REQUESTED BUT NOT FUNDED (FY 18-19)

### Juvenile Justice = \$12.6 million

- Community Programs (\$4.1 million)
  - Including \$3.4 million to expand JCPC programming for 16 & 17-year-olds
- Transportation (\$1.3 million)
  - 32 vans, 15 new drivers, security equipment
- Facilities (\$7.2 million)
  - Additional \$5.2 million for new Rockingham YDC (site planning, land acquisition, staff)
  - \$2 million for renovations at former C.A. Dillon YDC (potential 68 bed holding facility)



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## REQUESTED BUT NOT FUNDED (FY 18-19)

### Administrative Office of the Courts = \$2.8 million

- Requested 26 new positions, effective 1/1/2019
  - 5 District Court Judges (4, 19A, 22A, 23, 29A)
  - 8 Assistant District Attorneys (7, 9, 11A, 11B, 13, 18, 25, 27A)
  - 7 DA Legal Assistants
  - 6 Deputy Clerks

### Office of the Juvenile Defender = \$129, 575

- Requested one additional attorney position for FY2019



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# ANTICIPATION IS GROWING FOR 2019



# NCAOC UPDATES



## JWISE ATTORNEY ACCESS (JAA)

- Launched on 7/1/18
- Provides access to statewide delinquency records
- System allows users to search by Name, Case #, or NC JOIN #
- For use by prosecutors and juvenile defense attorneys
  - Access requires an NC State Bar #
  - Non-attorney staff currently do not have access



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## JWISE ATTORNEY ACCESS (JAA)

- Attorneys must submit a request to AOC Access Admin for access
  - Form A-151 (prosecutors and public defenders)
  - Form A-258 (private attorneys)
    - Must be signed by an authorized court official, *including a clerk or clerk's designee*, to verify the identity and signature of attorney requesting access
- Attorneys (not clerks) must submit Form A-258 to AOC Access Admin

**Note:** JAA provides only a snapshot of the juvenile's record

- The "official" records are contained in the clerk of superior court's file.
- Thus, attorneys should not rely on JAA information as the official record.



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## JWISE & NC-JOIN

- NC-JOIN is the web-based records management system of the Juvenile Justice Section of NC DPS.
- The NC-JOIN # provides a unique identifier for each juvenile in the system.
- In December 2017, the NC-JOIN # field was added to J Wise and relevant forms.
- J Wise can now provide a juvenile's statewide delinquency history.



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## SCHOOL JUSTICE PARTNERSHIPS



### Main Goals:

- Keep kids in school and out of court
- Increase capacity of juvenile court system to accommodate more kids due to RTA
- Reduce harmful effects of exclusionary discipline practices on kids
  - Disparate impact
  - Lower academic achievement
  - Higher Recidivism
  - Negative economic impact
  - Permanent criminal record



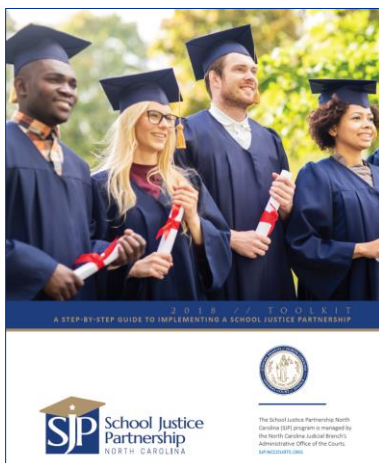
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# NCAOC POLICY ON SJPS

- Requires chief district court judges to act as “conveners.”
  - Gather relevant stakeholders and chair meetings but are equal participants
- Other Key Stakeholders
  - Schools
  - Law Enforcement
  - Juvenile Justice
  - Parents
  - Other community stakeholders
- **Objective:** To develop an SJP Interagency Agreement (MOU) on school discipline



# SJP TOOLKIT



- Start to finish implementation guide
- Tools and Templates
  - model agreement
  - sample timelines
  - sample meeting invitation
  - sample meeting agendas
  - recommended focus acts
  - graduated response matrix
  - data collection plan
  - sample media advisory and press release





## TOOLKIT RELEASE DELAYED

- **\*Draft\*** Toolkit distributed to CDCJ's in June 2018
- Official release delayed due to objections from NC School Boards Association
- NCSBA objections:
  - Local school boards have exclusive control over school discipline policy
  - Stakeholders, other than schools and law enforcement, should not be involved
  - Schools already strive to minimize exclusionary discipline (despite contrary evidence)
- AOC Director Marion Warren currently engaged in collaboration with NCSBA attorneys
- Revised Toolkit expected to be released soon



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## SJP IMPLEMENTATION

### SJPs Currently Launched

- Brunswick (July 2017)
- Greene (March 2018)
- Lenoir (March 2018)
- Mecklenburg (January 2016)
- New Hanover (November 2015)
- Wayne (April 2018)



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## JUVENILE JURISDICTION ADVISORY COMMITTEE (JJAC)



## JJAC INTERIM REPORT (MARCH 1, 2018)

### Recommended:

- Full implementation of the age increase, as opposed to staggered
- Legislation removing all juveniles under 18 from adult jails for pre-trial detention, *regardless of juvenile or criminal jurisdiction*, with transfer to adult jail at age 18
- Not to exclude any additional offenses from juvenile court jurisdiction
- Full funding as requested by applicable agencies
- Funding for a unified videoconferencing system for conducting remote hearings between juvenile detention and adult detention facilities and the courts



## NEW RECOMMENDATIONS FOR 2019

- Amend G.S. 7B-1501(7)(b) to clarify the definition of “delinquent juvenile”
  - Statute currently excludes “any violation of the motor vehicle laws” from jurisdiction
  - Amended statute would exclude “any **misdemeanor or infraction** violation of the **Chapter 20** motor vehicle laws” from juvenile jurisdiction
- Include mandatory SRO training and SJP’s as a component of SRO expansion funding
- Amend SB 257, Section 16D.4.(y) to extend access to electronic juvenile records (through JWisE Attorney Access application) to DA and PD legal staff
- Amend new G.S. 7B-2200.5 (mandatory transfer of A-E felonies by 16 & 17 y.o.) to:
  - Allow 90 days for the PC hearing
  - Authorize reverse transfer upon joint motion of prosecutor and juvenile defender
- Amend G.S. 7B-1906 to allow 30 days for secure custody review hearings



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## QUESTIONS



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# THANK YOU

LaToya Powell  
Assistant Legal Counsel  
NCAOC Office of General Counsel