



# THE CHIEF JUSTICE'S TASK FORCE ON ACES-INFORMED COURTS MEETING MINUTES

November 4-5, 2021

## Thursday, November 4, 2021

The Chief Justice's Task Force on ACES-Informed Courts (TFAC) met at Live Oak Bank in Wilmington on Thursday, November 4, 2021. The meeting convened at 1:44 PM. The following TFAC members, Advisory Group members, North Carolina Administrative Office of the Courts (NCAOC) staff, and guests were present.

### *TFAC Members*

- Chief Justice Paul Newby, Convenor
- Judge Andrew Heath, Co-Chair
- District Attorney Ben David, Co-Chair
- District Attorney Seth Banks
- Clerk Meredith Edwards
- Judge Phyllis Gorham
- Chief Johnny Jennings
- Nalini Joseph
- PD Bert Kemp
- Jack Marin
- Judge Quentin McGee
- Judge Angelica McIntyre
- District Attorney Spencer Merriweather
- LaToya Powell
- Mike Silver

### *Advisory Group Members:*

- Patrick Brien
- Karen Fairley
- Dr. Kelly Graves
- Jacqui Greene
- Kody Kinsley
- Dr. Peter Kuhns
- William Lassiter
- Sara DePasquale
- Emma Paul
- Liz Winer

### *Guest:*

- Susan Gale Perry

### *NCAOC Staff*

- Ryan Boyce
- Lori Cole
- DeShield Greene
- Jodie Lanning

## **Welcome and Introduction of Advisory Group Members**

Judge Heath and DA David welcomed everyone. The Advisory Group Members introduced themselves to the TFAC members.





This is the second meeting of the TFAC with the expectation that the TFAC will meet quarterly over a two-year period. There are two subcommittees of the TFAC: Program Development and Education. The Program Development Subcommittee is co-chaired by Judge McIntyre and DA David. The Education Subcommittee is co-chaired by Judge Heath and Amelia Thorn. The goal of the TFAC is to equip Chief Justice Newby with resources needed to advocate for the court system to fulfill the mission of the TFAC. The work of various non-profit organizations in the New Hanover County area will be highlighted during this two-day meeting.

### **New Hanover County Resiliency Task Force**

The New Hanover County Resiliency Task Force (NHCRTF) was formed in 2018 after a screening of the movie “Resilience: The Biology of Stress and the Science of Hope” (hereafter referred to as “Resilience”.) Tina Pearson, Director of the NHCRTF, explained that representatives from schools, communities, the NAACP, and others comprise the NHCRTF. The mission is to build community resiliency by reducing and preventing ACEs (trauma), responding to existing trauma in children, providers, and children with knowledge, compassion, and empathy, and creating opportunities for the community to form meaningful connections with one another.

Amy Read, Community Trainer at Coastal Horizons and Interim Director of the Pender County Resiliency Task Force (PCRTF) explained that the work of the PCRTF started in July 2020 after watching “Resilience.” The purpose of the PCRTF is to facilitate a close working relationship between and among government, nonprofit, business, neighborhoods, and individuals to coordinate activities, create efficiencies, and build capacity to foster resiliency skills in Pender County. The PCRTF is a group of nine founding organizations, including the Pender County Department of Social Services, the District Attorney’s Office, and Coastal Horizons. The PCRTF provides Mental Health First Aid training and offers resiliency trainings.

J’vanete Skiba, Assistant Director of Equity, Education, and Engagement at the NHCRTF, discussed the four realms of ACEs: adverse childhood experiences, adverse community experiences, adverse climate experiences, and atrocious cultural experiences. She noted that adverse community environments and adverse climate environments feed adverse childhood experiences. The NHCRTF has collaborated with organizations, which includes using local data to identify those groups that are facing adversity. Data shows that 38% of NC children live in poor or low-income homes. To ensure NHCRTF and PCRTF are data driven, data from the Build the Foundation was utilized to establish baseline community data, such as delinquency rates, income, teen births, pre-term babies, and education levels, and determine the groups who could benefit from assistance. The United Way funded a sophisticated data collection tool to allow data to be collected in New Hanover, Pender, and Brunswick Counties to demonstrate how the three counties can become more trauma informed and resilient. Ms. Pearson added the NHCRTF is also using data from the District Attorney and District Court to establish a baseline.

Ms. Pearson elaborated on the primary role of the NHCRTF which is to educate about ACEs science, bring people together, and conduct regular meetings. They provide services with a trauma informed and racial equity lens. Hurricane Florence helped to tighten the focus around resilience. There is now a





resiliency specialist in New Hanover County Government, so every employee receives training about resiliency.

Suspension rates for elementary school students have also been discussed by the NHCRTF. One New Hanover County Middle School incorporated a resiliency model room where kids can go to “reset” and address tough situations, such as loss or a school shooting, and then rejoin the class. Having the resilience groundwork already in place makes it easier to face tough situations. Teachers must also be trained about trauma and resiliency. Because one of the NHCRTF steering committee members is also a school superintendent, there was cooperation from the school board on this initiative. PD Kemp noted that often school systems use FERPA (the Family Educational Rights and Privacy Act) to avoid discussing student issues which makes it difficult to identify students who may need help without suspension rate data in specific schools. Dr. Graves suggested MOUs could be used to share data between agencies.

### **Trauma, Screening, Assessment and Treatment within Juvenile Justice**

The North Carolina Department of Public Safety-Juvenile Justice (NCDPS-JJ) is committed to the reduction and prevention of juvenile delinquency by effectively intervening, educating, and treating youth to strengthen families and increase public safety. Essentially, NCDPS-JJ identifies the service that best fits the needs for each juvenile at that point in time.

William Lassiter gave an update on current juvenile delinquency trends, which shows that there has been an overall decrease in the number of delinquency complaints in NC despite an increase in the last 2 years that is related to the implementation of legislation that brought 16- and 17-year-olds into the juvenile justice system. Mr. Lassiter provided data on the number of complaints received by race/ethnicity which shows that Black or African American juveniles have the highest number of complaints, twice the number of complaints received for White juveniles. He explained that juveniles of different races present trauma differently. For example, Black juveniles tend to receive diagnoses that demonstrate external symptoms (conduct related) while White juveniles are often diagnosed with internal symptoms, such as depression. The length of time a clinician spends on the assessment and the person conducting the assessment may play a part in the types of diagnosis. There is a disparity in the length of time a court assessment takes (1 ½ hours) versus an assessment that occurs in a private practice setting (10 hours). Although the NCDPS-JJ assessments do not provide a complete picture of a juvenile, the assessments show that 42% reported being victimized.

Mr. Lassiter discussed ACEs efforts that have been implemented within the NCDPS-JJ. There has been a significant decrease in the number of admissions to secure custody facilities since 2010, and most juveniles now receive community-based services. These services strive to offer trauma informed care by establishing safe environments, strengthening and empowering juveniles, building healthy coping skills, supporting the development of healthy relationships, and identifying and addressing all a juvenile’s needs. At intake, there is an effort to divert juveniles from the court system; NCDPS-JJ created a resource guide which is available locally. CJLEADS has the ability for an officer to make a referral to a resource directly from the patrol car. A mental health screening assessment (GAIN-SS) is performed on every juvenile at intake. The GAIN-SS (Global Appraisal of Individual Needs-Short Screener) is an





evidence-based survey that identifies the need for additional mental health, substance use, and anger management assessments. Most juveniles who are assessed are found to have a mental health need.

North Carolina is one of the first states to use a risk and needs assessment, the Youth Assessment and Screening Instrument (YASI). The YASI is intended to measure the risk of recidivism and develop case plans. Dr. Peter Kuhns explained that the YASI allows for the calculation of a trauma index that closely resembles the ACEs score. The trauma index will be implemented in January 2022, and every child that enters the system will be scored. At disposition, judges will receive a disposition report that includes a YASI summary, the full YASI Assessment, a YASI wheel that covers different domains of criminogenic risks, and a copy of the most recent mental health assessment or clinical comprehensive assessment. Dr. Kuhns is working with court stakeholders and other NCDPS-JJ staff to develop a YASI bench card that can be used by judges. The bench card will explain the YASI, the YASI wheel, and provide an overall summary. Additionally, YASI training for judges will also be offered.

Senate Bill 207, effective December 1, 2021, imposes new legal requirements in the form of a pre-disposition care review team when the court finds sufficient evidence that a juvenile has severe mental health issues and is eligible for a Level 3 disposition or a Psychiatric Residential Treatment Facility. Dr. Kuhns shared results of a survey of juveniles who were confined in a youth development center on December 31, 2020 that showed the average ACEs score was 4. DA Banks was surprised that the score was not higher; Dr. Kuhns added that multiple occurrences of the same trauma are counted once on the ACEs tool. Of those surveyed, 100% of girls and 49% of boys were diagnosed with a trauma related disorder. Trauma can be mimicked by oppositional behavior or depression. It is important to look for trauma through a trauma informed lens to identify those who need assistance. The more a person learns about trauma, the more trauma informed the person becomes.

NCDPS-JJ recently received a 5-year Substance Abuse and Mental Health Services Administration (SAMHSA) Mental Health Awareness Training grant which will focus on training all juvenile justice staff and community partners in youth mental health first aid, lived experience training, and a 16 hour “Think Trauma” training.

### **Cape Fear Collective Presentation**

The Cape Fear Collective, a non-profit organization, demonstrated how they are using data to create trauma informed courts and communities. Patrick Brien, CEO of the Cape Fear Collective (CFC), explained that Hurricane Florence initiated the coordination of efforts among non-profit groups to build resilience. Traditionally, there are three gaps that make systemic change difficult to achieve: (i) lack of data, (ii) lack of capital, and (iii) lack of collaboration across multiple sectors. The use of data presents an opportunity to effect change by creating actionable insights based on the data, the voice of the community and using capital and community collaboration to develop targeted resources. Combining those actionable insights with targeted resources can result in systemic change.

The CFC uses a community data platform (CDP) to analyze data containing 1300 metrics. The CDP allows CFC to consolidate data in nine different categories (i.e., health, housing, social support, justice,





environment, economy, education, demographics, and transportation) and from multiple sources. They then work with banks to promote more equitable capital flows in communities by using data to inform where the resources are allocated. They can deploy the capital through community partners to address social determinants of health, such as affordable housing, transportation, workforce deployment, etc.

Using data to understand the experiences that people who interact with the court system have faced can help design interventions and rehabilitations. By quantifying adverse community environments (e.g., poverty, discrimination, poor housing, violence) through data, resources can be deployed to those areas using the starfish model.

The Healthy NC 2030 Initiative resulted from a group of experts from various fields who developed a common set of public health targets for NC over the next decade. The CDP was used to create attainable targets to achieve the state goal for the Cape Fear region similar to the Healthy NC 2030 goals. The data can identify trends over time and look at demographic disparities. The CDP allows CFC to see which counties are off track and by how much.

The CFC can use CDP data to enact change and distribute resources. For example, a collaboration between CFC, Novant Health, and the New Hanover Regional Medical Center was able to use data to identify vulnerable communities in the New Hanover area to receive a \$10 million dollar donation to Novant Health from Michael Jordan. The data was used to identify locations for new public clinics. It accounted for existing clinics, level of need, and where public transportation existed. The platform can be applied to other locations where the data is available for that specific area.

A Community Adversity Index (CAI) has been developed which summarizes the components of adverse community environments into a single metric that is easy to interpret and looks at the roots of those environments. The CAI allows for a data snapshot of a neighborhood based on an address and can report on racial and ethnic disparities. Obtaining data is a way that counties and the TFAC can help areas address issues at the local level and also identify where data deficiencies exist.

### **Adjourn**

The meeting adjourned for the day at 5pm.





**Friday, November 5, 2021**

The Task Force reconvened at 9:30am at the Harrelson Center in Wilmington.

*TFAC Members*

- Chief Justice Paul Newby, Convenor
- Judge Andrew Heath, Co-Chair
- District Attorney Ben David, Co-Chair
- District Attorney Seth Banks
- Clerk Meredith Edwards
- Judge Phyllis Gorham
- Nalini Joseph
- PD Bert Kemp
- Jack Marin
- Judge Quentin McGee
- Judge Angelica McIntyre
- District Attorney Spencer Merriweather
- LaToya Powell
- Mike Silver
- Judge Casey Viser

*Advisory Group Members:*

- Karen Fairley
- Dr. Kelly Graves
- Jacqui Greene
- Kody Kinsley
- Sara DePasquale
- Emma Paul
- Liz Winer

*Guests:*

- Judge J.H. Corpening, II
- Susan Gale Perry

*NCAOC Staff*

- Ryan Boyce
- Lori Cole
- DeShield Greene
- Jodie Lanning

**Welcome Remarks**

Chief Justice Newby expressed his desire for the TFAC to not only identify problems but also solutions to the problems. People change lives one person at a time by working in the lives of children which is the goal of the TFAC. The TFAC must work together to identify ways to make a difference. If everything cannot be fixed at once, the TFAC should develop ideas about how to address the problems. Chief Justice Newby would like for the TFAC “to leave the court system better than how we found it”.

**Family Courts, School Justice Partnerships, and Recovery Courts**

Judge J. Corpening discussed the impact of Family Courts, School Justice Partnerships (SJPs), and Recovery Courts in the lives of families and children. Over 60% of youth are exposed to abuse, neglect, or some other traumatic event before the age of 17. He encounters people who experience trauma or ACEs daily. His approach to holding court has transformed over the years. He now tries to connect with the people before him, use a different tone, show empathy, and convey that they are valued and respected. He emphasized the positive effects of building hope in people and showing them that someone cares.

Judge Corpening discussed some of the trauma informed practices currently in place in New Hanover. People can often be activated by traumatic events. For example, Hurricane Florence was a traumatic event in the Wilmington area. The new Juvenile Justice Courthouse was designed to be trauma informed





by including plenty of light and calming colors so people would feel different when they came to court and not be activated.

He began an Intensive Reunification Program a few years ago where he orders a parent to volunteer at the NICU to help expedite reunification. He uses a 1:1 parenting coach for the program. The team approach supports the family and parent by increasing bonding time with the child.

The Juvenile Attendance Council is a program that looks at the underlying reason why kids are not going to school. A multidisciplinary team, including DSS and mental health professionals, assesses the child, and matches families with needed services. This program has led to improved school attendance.

New Hanover County Psychological Services was created using JCPC funds to help kids receive therapy quickly and looks at risk and needs data. It offers a substance use counselor. Judge Corpening also stressed that people need to practice self-care and resilience to help others with trauma. He mentioned the use of an app (iChill) that offers guided wellness skills.

#### *Family Court*

Judge Corpening discussed the Family Court Program in New Hanover and Pender Counties which reduces the delay in domestic cases. Family courts frequently see cases involving custody, divorce, substance use, domestic violence, mental health, incarceration of relatives, abuse, and neglect. Several of these issues are included in the adverse childhood experiences (ACEs) survey. For cases involving allegations of abuse and delinquency, it is not uncommon to see high ACEs scores. The core principles of family court are one judge/one family, court scheduling, active case management, and 24 hours of continuing judicial education devoted to special topic trainings.

Judge Corpening also commended the State Custody Mediation Program for their efforts to be trauma informed, recognizing the Custody Mediation Advisory Committee and Custody Mediation Program Manager Stephanie Smith on their efforts to expand trauma informed practices within the program. Part of the custody mediation process is mandatory attendance at a custody mediation orientation which includes information to educate the parents about trauma. Judge Corpening personally speaks to parents during orientation and has a video of his remarks to share in the event he is not available. He reminds parents that their children are the priority during the custody dispute.

#### *School Justice Partnerships (SJPs)*

School Justice Partnerships (SJPs) were first initiated in Clayton, Georgia by Judge Steve Teske for the purpose of having a better relationship with community and students. SJPs aim to keep kids in school and off the streets by reducing exclusionary discipline practices, such as suspensions that lead to negative outcomes. Keeping kids in school and out of court is an ACEs-informed practice. In order to respond to student misconduct and minor school-based offenses, a graduated response model was developed. This model allows schools to address behavior when and where it happens.





The New Hanover SJP has resulted in a shift in the mindset of school leaders, a better and safer school climate, significant reduction in dropout rates, and an increase in graduation rates. Other direct results of the SJP are various initiatives in the New Hanover County Schools (i.e., Trauma Sensitive School Pilot, resilience training for school staff, Mental Health First Aid training for every school employee).

Currently, SJPs exist in 40 NC counties. The TFAC inquired about the barriers to statewide implementation. The most opposition has come from school board attorneys because they are concerned about the liability associated with not charging juveniles. SJPs were supported by the NC Commission on the Administration of Law and Justice and are supported by the NCAOC. Judge Corpening noted that racial disparities existed in how students were treated for misconduct in New Hanover before the SJP was implemented. Therefore, while the school boards may be concerned about liability, there is also liability associated with students not being treated equally.

Chief Justice Newby commended DA David and Judge Corpening for their work and asked them to speak to other chief district court judges about SJPs. A major byproduct of groups such as the TFAC is to promote and encourage programs like the SJP.

#### *Recovery Courts*

Recovery courts are essentially drug courts with a trauma informed name because recovery courts are ACEs informed. While they are no longer statewide, the NC Recovery Courts were organized following standards promulgated by the National Association of Drug Court Professionals (NADCP). Currently, New Hanover has an adult drug treatment court and a mental health court. There are plans to begin a Veterans' Recovery Court. Judge Corpening stated that the book "[The Body Keeps Score](#)," written by Bessel van der Kolk, shows the need for veterans' recovery courts.

#### **Walking Tour of Courthouse and Harrelson Center**

The TFAC Members and Advisory Group Members participated in walking tours of the Harrelson Center to see the different services provided and the New Hanover County Juvenile Justice Courthouse. The Harrelson Center houses more than 20 non-profit groups and works to build community. The Juvenile Justice Courthouse opened in early 2021 and is designed with a trauma informed lens.

#### **Building a Resilient NC**

Advisory Group Member Dr. Kelly Graves conducted a study, funded by the Winer Family Foundation, to identify successful initiatives in NC and nationally to learn what worked and what did not work to implement statewide resilience efforts. The purpose is to support NC leaders and develop a set of recommendations that could be used in NC to build a science-based, trauma-informed approach to building community resilience.

Several states were highlighted, including Delaware, Pennsylvania, and Utah. Utah is the most similar to NC and is at the level where NC currently is in terms of efforts. Dr. Graves also spoke to several national groups: Campaign for Trauma Informed Policy and Practice, the ACE Resource Network, PACES Connection, and the Alberta (Canada) Family Wellness Initiative.





Dr. Graves developed an 8-point strategy to building a resilient NC, which was the focus of her presentation.

1. **Backbone support:** There is a need to identify the role and functions of an effective backbone agency in NC's resiliency work. States with an identified backbone support saw less duplication of efforts and better coordination of resources. There is a risk of governments serving as the backbone as there is a greater chance for leadership change. PD Kemp suggested a community college serve as the backbone.
2. **Public Awareness and Strategic Communication:** A resilient NC can be built by raising awareness and understanding about the effects of trauma with a unified message that is pushed across the state (e.g., a centralized website, increase public understanding).
3. **Public Private Partnerships:** Building partnerships between public and private agencies can be useful to explore the roles their agencies could play in these efforts. California has a model and is willing to consult and offer guidance.
4. **Training and Technical Assistance:** A train the trainer curriculum on ACEs and resilience and a statewide training plan should be developed.
5. **Cross Sector Partnerships:** Create an ACEs cabinet that is staffed with people from different agencies/systems/organizations to facilitate cross sector partnerships.
6. **Policy and Advocacy:** Promote the adoption of trauma informed care policies at the local, state, and federal levels and support the work of existing organizations that are active in trauma informed, resiliency policy work. Pennsylvania and California are good examples of this strategy.
7. **Support Local Coalitions:** Support the local coalitions by developing funding streams, building mechanisms to connect the coalitions, and creating learning opportunities for them.
8. **Shared Measurement Strategies:** Develop a strategy to measure community resilience and support the collection of data to report on the measures.

The next steps for the project are to disseminate the report and hold listening sessions across the state, connect key partners to each of the eight strategies, and establish separate action teams to flush out each strategy to build the actions needed. There are also plans to hold a 2023 NC Resiliency Conference. The product of the action teams for each of the eight strategies could be used to form a report to the General Assembly.

### **Education Subcommittee Report**

Judge Heath provided an update on the efforts of the Education Subcommittee. He acknowledged Amelia Thorn and the Bolch Institute's contribution to the subcommittee efforts. Dr. Kelly Graves, the Bolch Institute, and NCAOC are developing an ACEs general content training module with an estimated completion date of Spring 2022. The module will be on-demand. An advanced juvenile certification for district court judges that features ACEs/trauma informed content is being developed in collaboration with the UNC School of Government. NCAOC is working with NCDPS-JJ to develop a YASI bench card and provide video trainings about the YASI. To further resiliency efforts, a JCPC pilot county is being identified to implement a Success Sequence curriculum to teach life skills.





### **Program Development Subcommittee Report**

Judge McIntyre and DA David provided an update on the efforts of the Program Development Subcommittee. The Subcommittee is looking at programs that are already established and where they have been established, both in NC and in other states. Recovery courts already exist in certain counties in NC as do family courts and school justice partnerships which align with the mission of the Task Force. A map showing the counties with existing recovery courts, family courts, and school justice partnerships were provided. School justice partnerships have access to the entire family and have existing partnerships with the community stakeholders.

While there is a lack of resources that prevents implementation of the family court model statewide, Judge McIntyre has incorporated one of the family court tenets in her juvenile courts through an administrative order. In juvenile dependency and delinquency courts, one judge is assigned to each case, so the juvenile/family interacts with the same judge at every court setting. A map of existing Home Visitation Programs in NC, a program recommended for further study by Chief Justice Newby, was provided. The maps of each of these four programs demonstrate where there is a crisis of resources. For example, there is a recovery court in New Hanover County but none in Pender County due to the lack of statewide funding. While New Hanover County was able to locally fund the recovery court, Pender County could not fund a recovery court without state funding. DA David reminded the Task Force that millions of dollars have been saved as a result of the Justice Reinvestment Act. It is time to reinvest that money as the Act envisioned.

The Advisory Group members will be included on future Subcommittee meeting invites.

Chief Justice Newby concluded the meeting by thanking the Task Force Members and Advisory Group for their work. He reminded them to think in terms of what the Judicial Branch can do and what may be needed from the Legislative and Executive Branches to accomplish the mission of the Task Force.

The meeting adjourned at 2pm.

### **Future Meeting Dates**

The next meeting of the Task Force is January 21, 2022. The location of this meeting will be announced at a later date.

*UPDATE: The January 21, 2022 meeting was cancelled. The next meeting of the Task Force is April 29, 2022.*

Submitted by DeShield Greene

