



# The North Carolina Juvenile Justice Presentation to the Subcommittee on Raising the Juvenile Age

Deputy Commissioner for Juvenile Justice  
William Lassiter

# NC's Comprehensive Strategy for Juvenile Delinquency

*Problem Behavior > Noncriminal Misbehavior > Delinquency > Serious, Violent, and Chronic Offending*

## Prevention

*Target Population: At-Risk Youth*

Programs for All Youth > Programs for Youth at Greatest Risk > Immediate Intervention > Intermediate Sanctions > Community Confinement > Training Schools > Aftercare

Preventing youth from becoming delinquent by focusing prevention programs on at-risk youth and youth diverted from juvenile court.

## Graduated Sanctions

*Target Population: Delinquent Youth*

Improving the juvenile justice system response to delinquent offenders through a system of graduated sanctions and a continuum of treatment alternatives



# Juvenile Justice: An Introduction to Juvenile Court Services

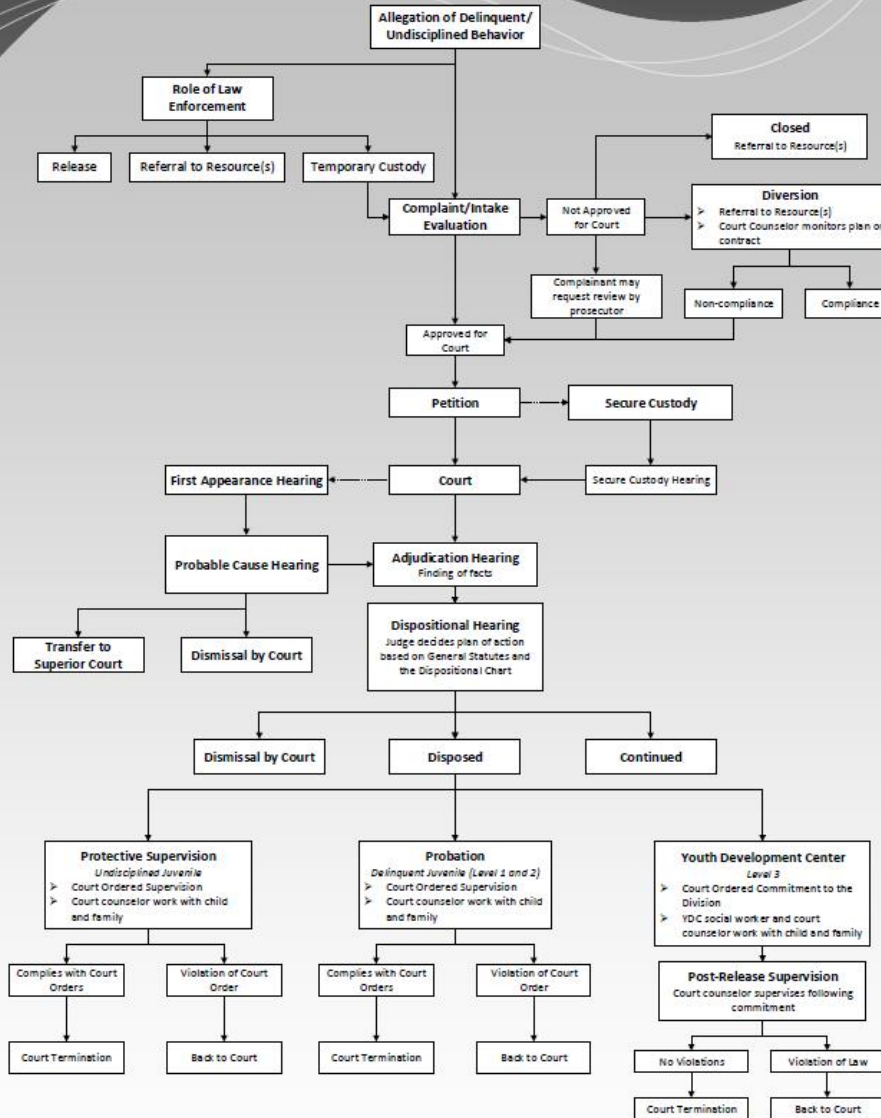
Maxine Evans-Armwood

# Purpose of Juvenile Code

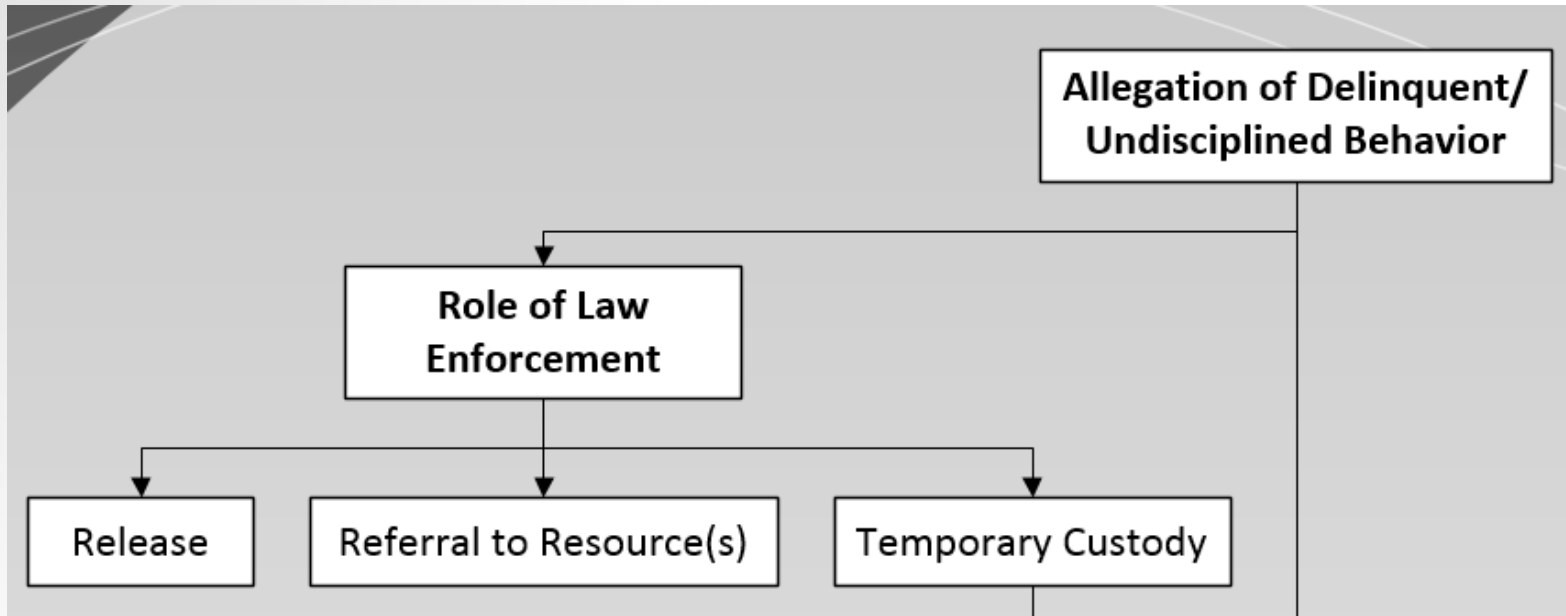
- Protect the public from acts of delinquency.
- Deter delinquency and crime, including patterns of repeat offending:
  - By providing swift, effective dispositions that emphasize the juvenile offender's accountability for the juvenile's actions; and
  - By providing appropriate rehabilitative services to juveniles and their families.
- To provide an effective system of intake services for the screening and evaluation of complaints and, in appropriate cases, where court intervention is not necessary to ensure public safety, to refer juveniles to community-based resources.
- To provide uniform procedures that assure fairness and equity; that protect the constitutional rights of juveniles, parents, and victims; and that encourage the court and others involved with juvenile offenders to proceed with all possible speed in making and implementing determinations

NCGS § 7B-1500





# Role of Law Enforcement Officer

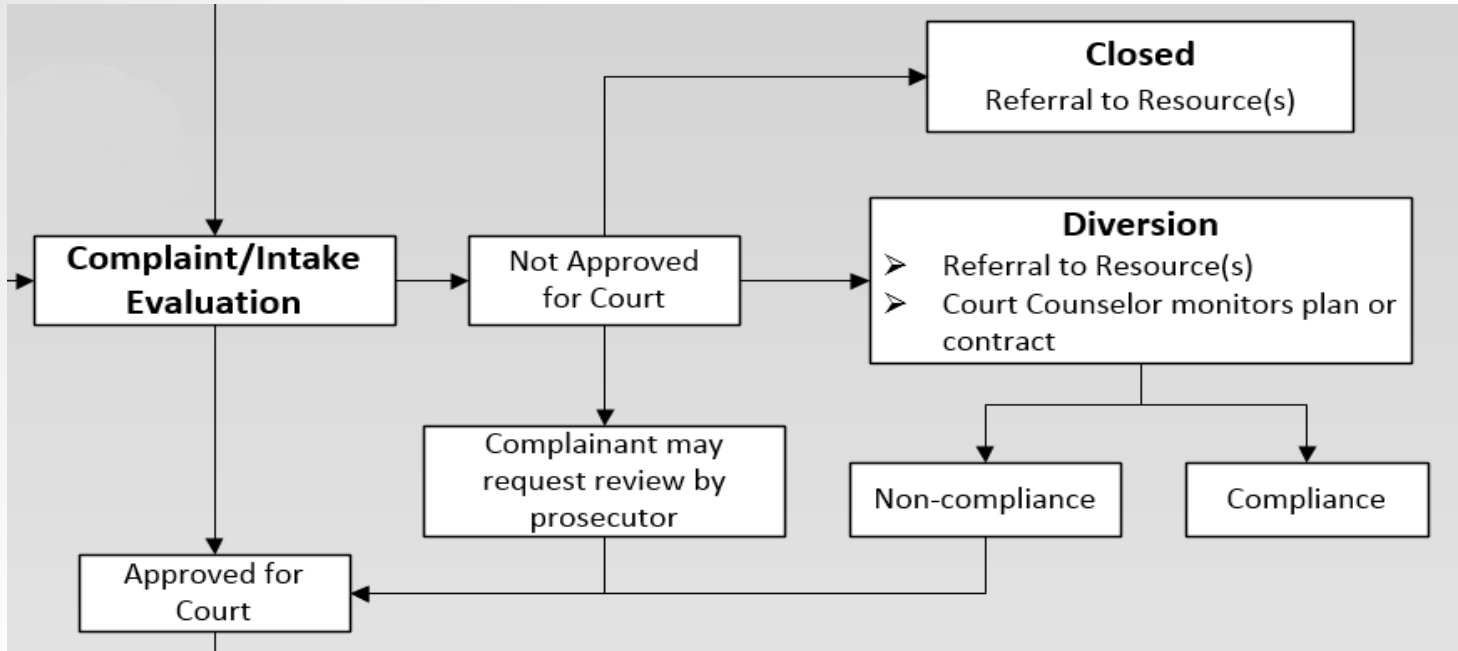


- Release the juvenile, (with or without counseling)
- Release the juvenile to the juvenile's parent, guardian, or custodian
- Refer the juvenile to community resources
- Seek a petition
- Seek a petition and request a custody order

NCGS §NCGS. 7B-2100

NCGS § 7B-2100

# Intake Process



- Receive Complaint
- Make a preliminary determination
  - Jurisdiction
  - Legal sufficiency
  - Frivolous matter
- Request assistance from prosecutor in determining legal sufficiency, if needed
- Must approved nondivertible offenses for filing as a petition

NCGS § 7B-1701

# Nondivertible Offenses

- Murder
- First or second degree rape
- First or second degree sexual offense
- Arson
- Felony Drug Offenses
- First degree burglary
- Crime against nature
- Any felony that involves willful infliction of serious bodily injury or was committed by use of a deadly weapon

NCGS § 7B-1701





# The Evaluation Process

## Juvenile Court Counselor:

- ▶ Conduct Interviews
  - Complainant and the victim
  - Juvenile and the juvenile's parent, guardian, or custodian
  - Persons known to have relevant information about the juvenile or juvenile's family
  
- ▶ Conduct conference with juvenile and family
  - Complete risk and needs assessments
  - Complete GAIN-SS
  
- ▶ Make decision within 15; 30 days with approval of an extension
  - Close
  - Divert
  - Approve
  
- ▶ Notifies all parties within 2 days
  
- ▶ Specific timelines

NCGS § 7B-1702, 7B-1703

# Criteria for Approving Complaints

In making the decision whether to approve a complaint, the Court Counselor shall consider the following criteria:

- Protection of the community
- Seriousness of the offense
- Juvenile's previous record of involvement with the legal system including previous diversions
- Juvenile's behavior at home, in school, and in the community
- Juvenile and the family's ability to use resources
- Victim
- Juvenile's age
- Juvenile's culpability in the alleged complaint

CS Policy 1.1 (C)(5)

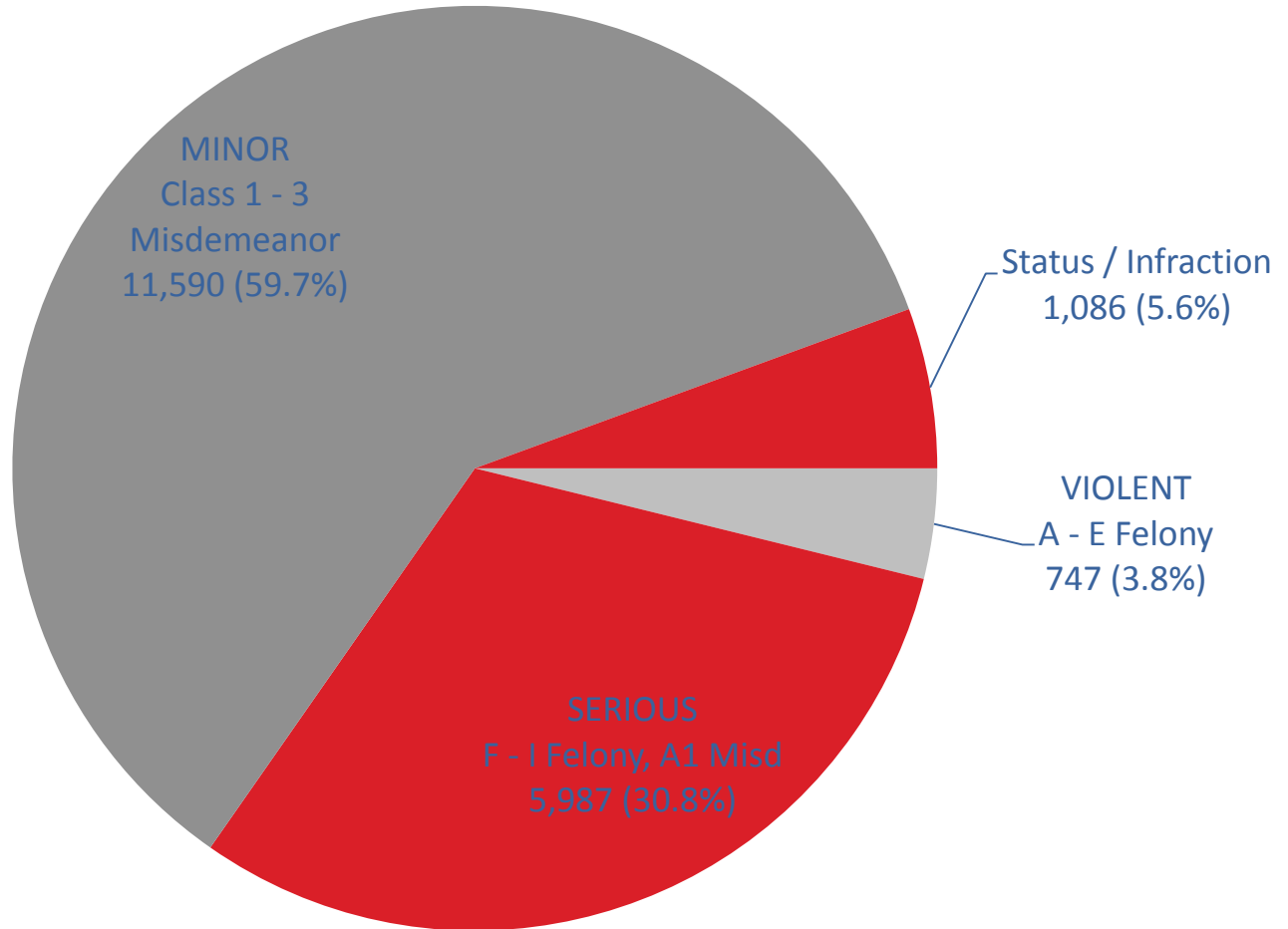
# Decision

- ▶ Not approved for filing
  - Close
  - Divert and retain on plan or contract
  
- ▶ Approve for filing
  
- ▶ Services or resources are provided or recommended at all decision points
  
- ▶ Not approved decisions can be reviewed by prosecutor
  - Complainant must request review within 5 calendar days from receipt of the decision letter
  - Prosecutor review no more than 20 days after the complainant is notified of the decision
  
- ▶ In near future, JJ will begin notifying victims of decision and inform them to contact complainant if they want a review of the decision

NCGS § 7B-1703, 7B-1704, 7B-1705

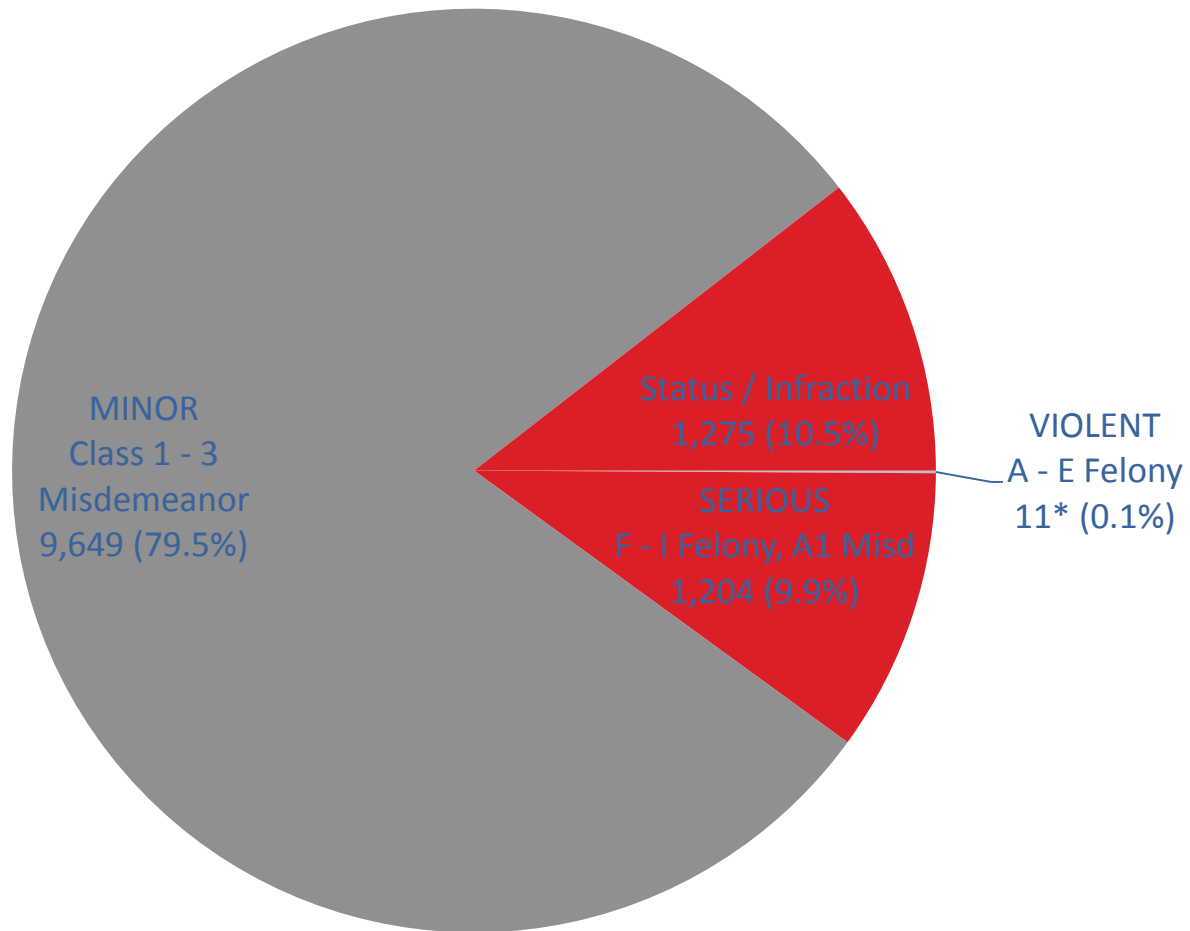
# CY 2014: Complaints Approved for Court by Offense Class Group

N = 19,410 Complaints



# CY 2014: Closed and Diverted Complaints by Offense Class Group

N = 12,139 Complaints



# Diversion Plans and Contracts

- Juveniles can be placed on diversion plan/contract for divertible offenses
  
- Juvenile court counselor makes referral to programs/services
  - An appropriate public or private resource
  - Restitution
  - Community service
  - Victim-offender mediation
  - Regimented physical training
  - Counseling
  - Teen court program
  
- Juvenile court counselor monitors plan/contract up to six months
  
- If juvenile is successful, close complaint
  
- If juvenile is noncompliant, complaint can be approved for court

NCGS § 7B-1706

**Figure 2: CY 2008-2011 Outcome of Diversion Plan/Contract Youth:**

■ Successful   ■ Unsuccessful   ■ Other

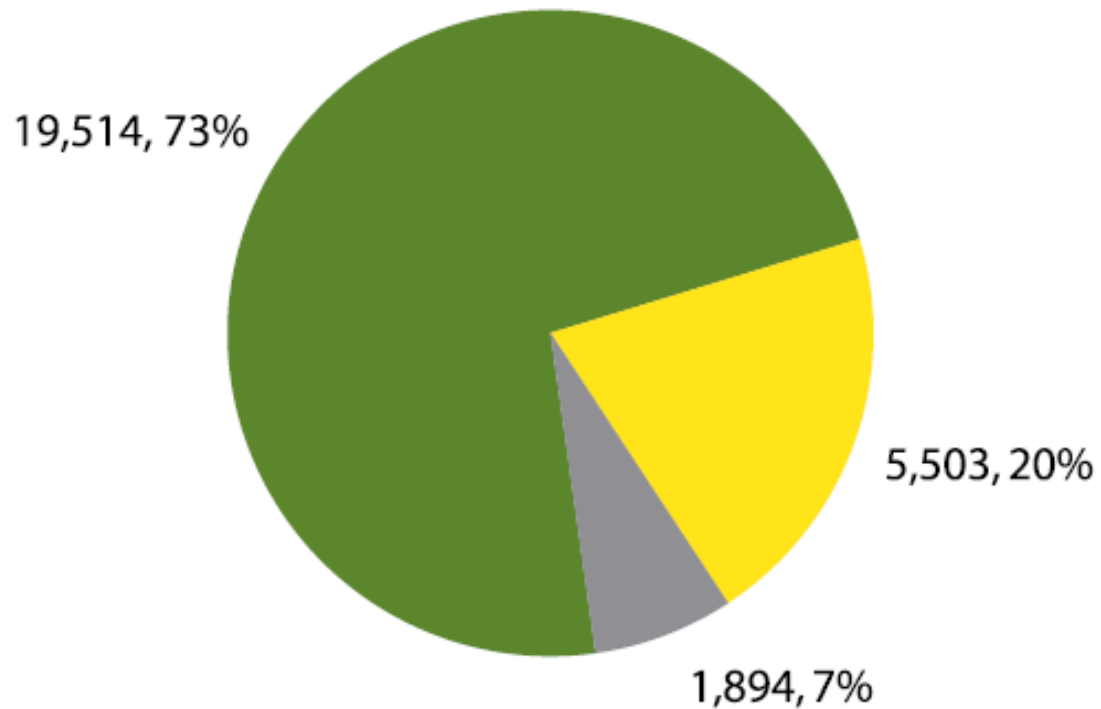
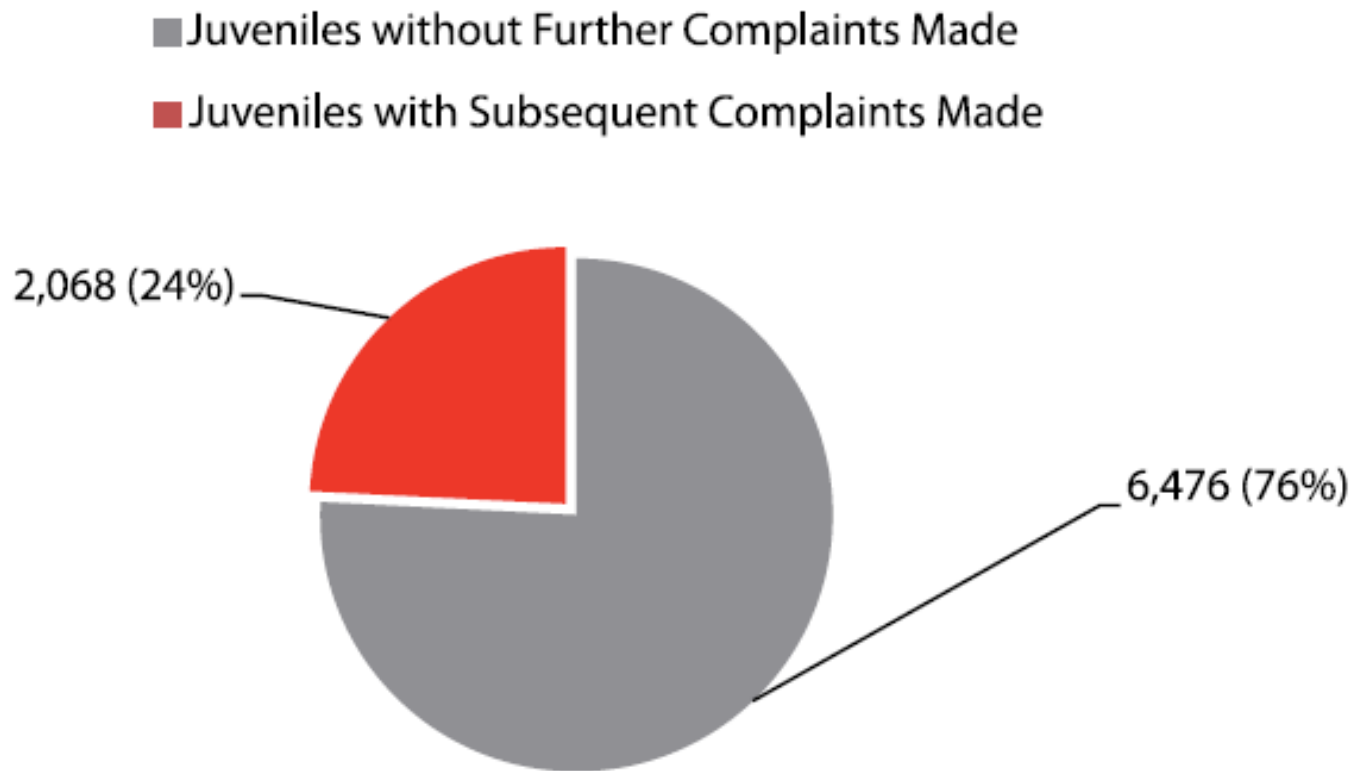
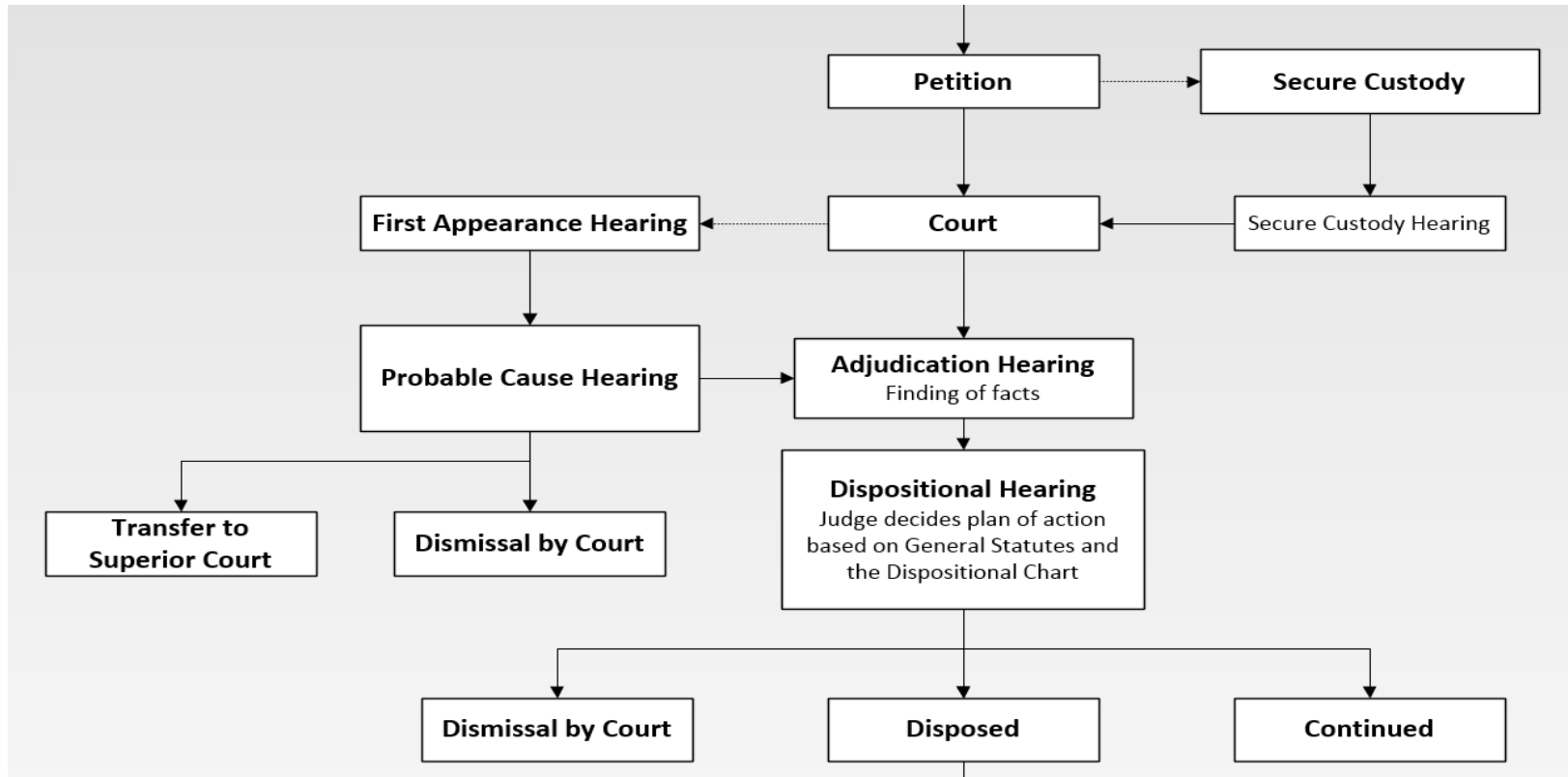


Figure 5: Two-Year Recidivism of Closed and Diversion Plan Groups Together: FY 2009-10





# Secure and Non-Secure Custody



- When detention is requested by law enforcement
  - Must meet criteria
  - Juvenile can be considered for secure or non-secure custody if criteria is met
  - Juvenile court counselor must complete Detention Assessment Tool

# Criteria for Nonsecure Custody

- Court must first consider release of the juvenile to the parent, guardian, custodian, or other responsible adult
  
- An order for nonsecure custody can only be made when there is a reasonable factual basis to believe the matters alleged are true, and the juvenile is
  - A runaway and consents to nonsecure custody
  - Meets one or more of the criteria for secure custody, but the court finds it in the best interests of the juvenile that the juvenile be placed in a nonsecure placement.
  
- ▶ Nonsecure placements
  - Therapeutic foster homes or DSS type foster homes
  - Residential facilities (i.e. crisis facilities, emergency shelters, etc.)

NCGS § 7B-1706

# Criteria for Secure Custody

The court may order secure custody only where the court finds there is a reasonable factual basis to believe that the juvenile committed the offense as alleged in the petition, and that one of the following circumstances exists:

- Charged with a **felony and has demonstrated that the juvenile is a danger to property or persons.**
- Has demonstrated that the juvenile is a **danger to persons and is charged with either (i) a misdemeanor at least one element of which is assault on a person or (ii) a misdemeanor in which the juvenile used, threatened to use, or displayed a firearm or other deadly weapon.**
- Has demonstrated that the juvenile is a **danger to persons and is charged with a violation of G.S. 20-138.1 or G.S. 20-138.3.**
- Has **willfully failed to appear on a pending delinquency charge or on charges of violation of probation or post-release supervision, providing the juvenile was properly notified.**
- A **delinquency charge is pending against the juvenile, and there is reasonable cause to believe the juvenile will not appear in court.**
- Is an **absconder from (i) any residential facility operated by the Division or any detention facility in this State or (ii) any comparable facility in another state.**
- There is **reasonable cause to believe the juvenile should be detained for the juvenile's own protection because the juvenile has recently suffered or attempted self-inflicted physical injury. In such case, the juvenile must have been refused admission by one appropriate hospital,** and the period of secure custody is limited to 24 hours to determine the need for inpatient hospitalization. If the juvenile is placed in secure custody, the juvenile shall receive continuous supervision and a physician shall be notified immediately.
- Is alleged to be **undisciplined by virtue of the juvenile's being a runaway and is inappropriate for nonsecure custody placement or refuses nonsecure custody,** and the court finds that the juvenile needs secure custody for up to 24 hours, excluding Saturdays, Sundays, and State holidays, to evaluate the juvenile's need for medical or psychiatric treatment or to facilitate reunion with the juvenile's parents, guardian, or custodian.
- Is alleged to be **undisciplined and has willfully failed to appear in court after proper notice;** the juvenile shall be brought to court as soon as possible and in no event should be held more than 24 hours, excluding Saturdays, Sundays, and State holidays.
- When a juvenile has been **adjudicated delinquent,** the court may order secure custody **pending the dispositional hearing or pending placement** of the juvenile pursuant to G.S. 7B-2506.
- The court may order secure custody for a juvenile who is **alleged to have violated the conditions of the juvenile's probation or post-release supervision,** but only if the juvenile is **alleged to have committed acts that damage property or injure persons.**

NCGS § 7B-1706



## Secure/Nonsecure Custody Hearing

- ▶ Secure Custody hearing must be held within 5 calendar days of being detained; 10 days for nonsecure hearings
- ▶ May not be continued or waived
- ▶ Subsequent hearings to determine the need for continued secure custody shall be held no more than 10 calendar days
- ▶ Subsequent hearings can be waived only with the consent of the juvenile and attorney
- ▶ If offense is a felony, secure custody hearings and first appearance hearings are typically held together

NCGS § 7B-1906

# On-Call

- ▶ Court Services has court counselors on call in every district afterhours, weekends and holidays
- ▶ Can be contacted through law enforcement by calling on-call phone number
- ▶ Every district has the capability to respond afterhours
- ▶ All complaints are logged into the JJ database called the North Carolina Juvenile Online Information Network (NC-JOIN)
- ▶ Court Services received approximately 8,000 calls CY 2015 while on-call

# First Appearance, Probable Cause and Transfer Hearings

- ▶ First Appearance hearing must be held for all juveniles charged with a felony within 10 days of filing the complaint
- ▶ Probable cause hearing must be held within 15 days of First Appearance hearing
- ▶ All juveniles 13 and older who are charged with a felony offense can be considered for transfer to Superior Court
- ▶ If the alleged felony is a Class A felony and the court finds probable cause, the court must transfer to Superior Court

NCGS § 7B-1808, 7B-2200, 7B-2202

# Adjudication and Disposition Hearings

## Undisciplined Juveniles

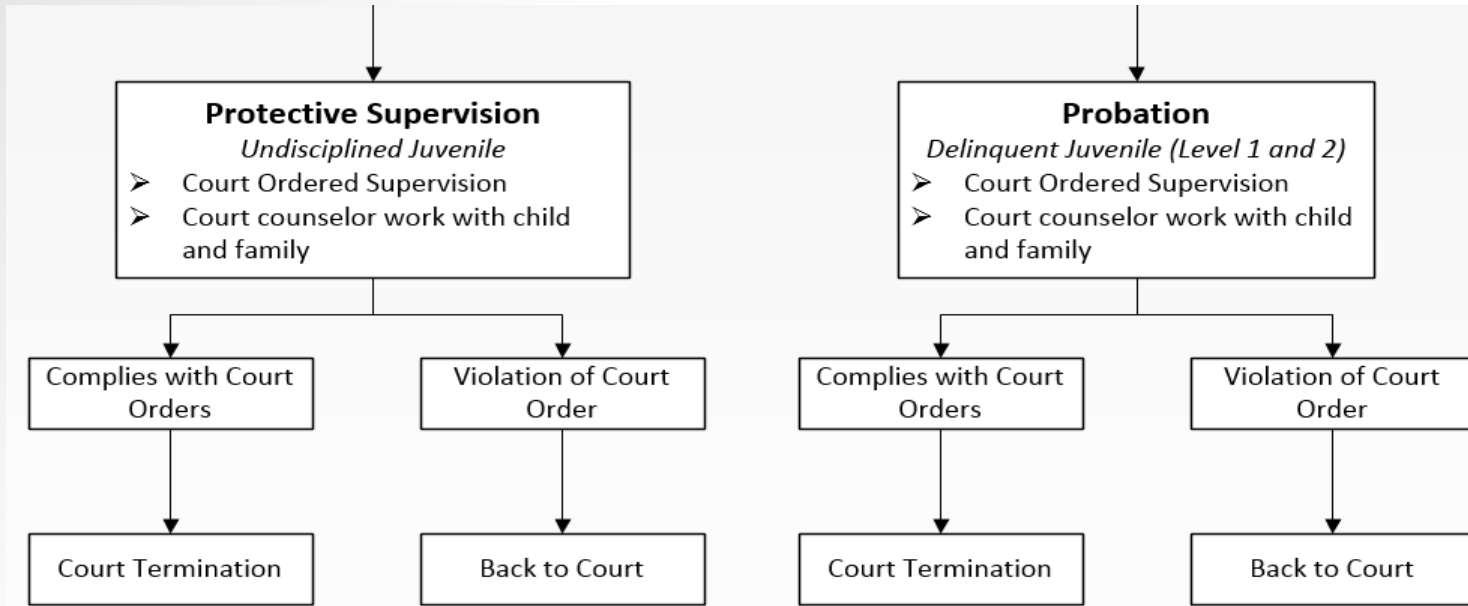
- Can be supervised up to 3 months
- Prior to expiration, court can be extended an additional 3 months
- Undisciplined juvenile can be supervised up to age 18

## Delinquent Juveniles

- ▶ Can be supervised on up to one year from the date ordered
- ▶ Prior to expiration, court can extend probation for an additional year, if the court finds that the extension is necessary to protect the community or to safeguard the welfare of the juvenile
- ▶ Delinquent juvenile can supervised up to age 18
- ▶ Jurisdiction ends by order of the court

NCGS § 7B-1601, 7B-2503, 7B- 2510

# Protective Supervision and Probation



## Conditions of protective supervision for undisciplined juveniles

- Juvenile court counselor is to assist the juvenile in securing social, medical, and educational services and visit and work with the family as a unit to ensure the juvenile is provided proper supervision and care.
  - Remain on good behavior and not violate any laws
  - Attend school regularly
  - Maintain passing grades in up to four courses during each grading period and meet with the juvenile court counselor and a representative of the school to make a plan for how to maintain those passing grades
  - Not associate with specified persons or be in specified places
  - Abide by a curfew
  - Report to a juvenile court counselor as often as required by a juvenile court counselor
  - Be employed regularly if not attending school; and
  - Satisfy any other conditions determined appropriate by the court.

4  
NCGS § 7B-2504



# Probation

## Conditions of probation for delinquent juveniles

The court imposes conditions of probation that are related to the needs of the juvenile and that are reasonably necessary to ensure that the juvenile will lead a law-abiding life, including:

- Remain on good behavior
- Not violate any laws
- Not violate any reasonable and lawful rules of a parent, guardian, or custodian
- Attend school regularly
- Maintain passing grades in up to four courses during each grading period and meet with the juvenile court counselor and a representative of the school to make a plan for how to maintain those passing grades
- Not associate with specified persons or be in specified places
- Refrain from use or possession of any controlled substance
- Refrain from use or possession of any alcoholic beverage
- Submit to random drug testing
- Abide by a curfew
- Submit to a warrantless search at reasonable times
- Not possess any firearm, explosive device, or other deadly weapon
- Report to a juvenile court counselor as often as required by the juvenile court counselor
- Make specified financial restitution or pay a fine
- Be employed regularly if not attending school
- Satisfy any other conditions determined appropriate by the court

**In addition to the regular conditions of probation, the court may order the juvenile to comply with certain conditions if directed to comply by the chief court counselor**

- Perform up to 20 hours of community service
- Submit to substance abuse monitoring and treatment
- Participate in a life skills or an educational skills program administered by the Division
- Cooperate with electronic monitoring (Level 2)
- Cooperate with intensive supervision (Level 2)

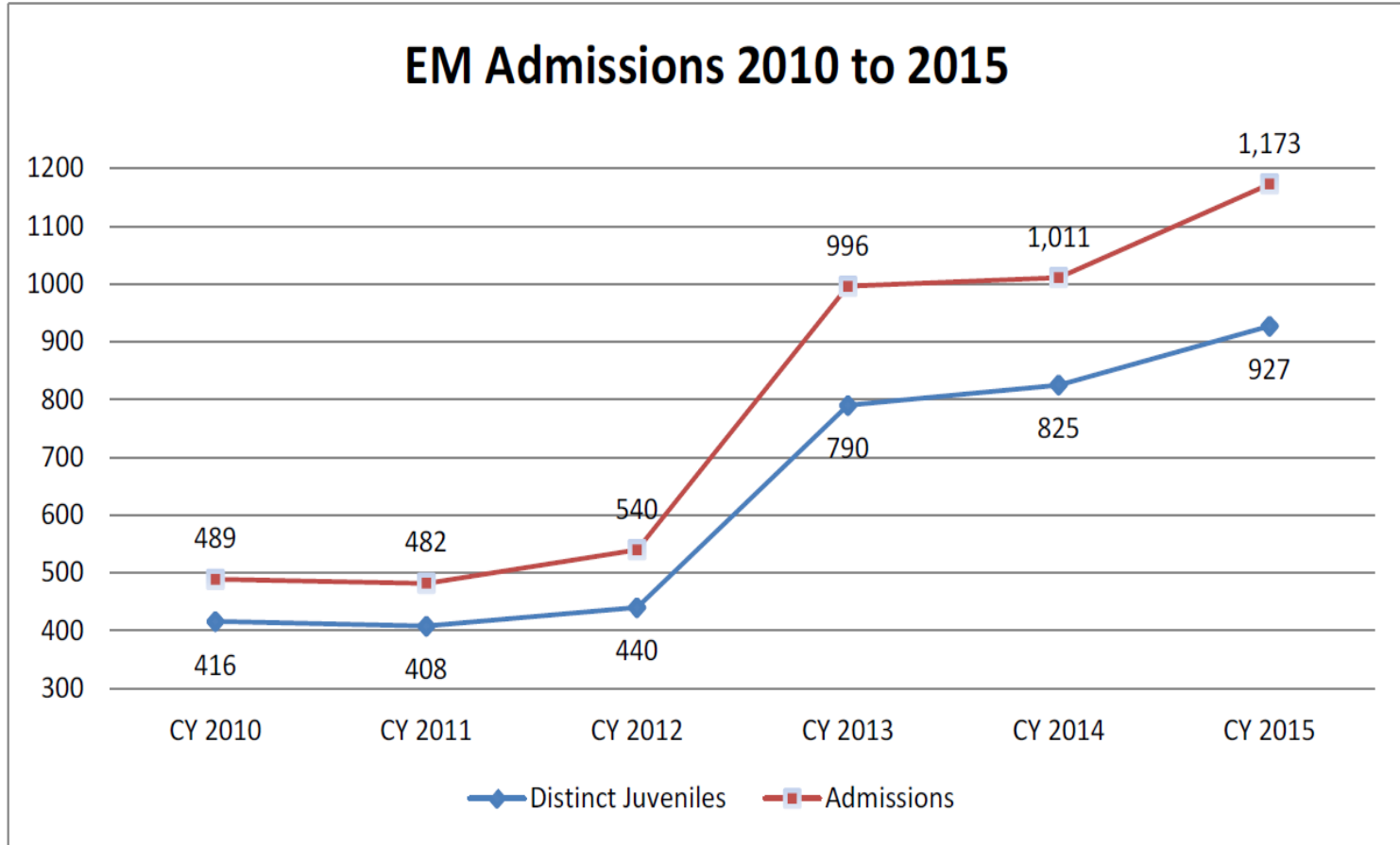
NCGS 7B-2510

# Supervision Services

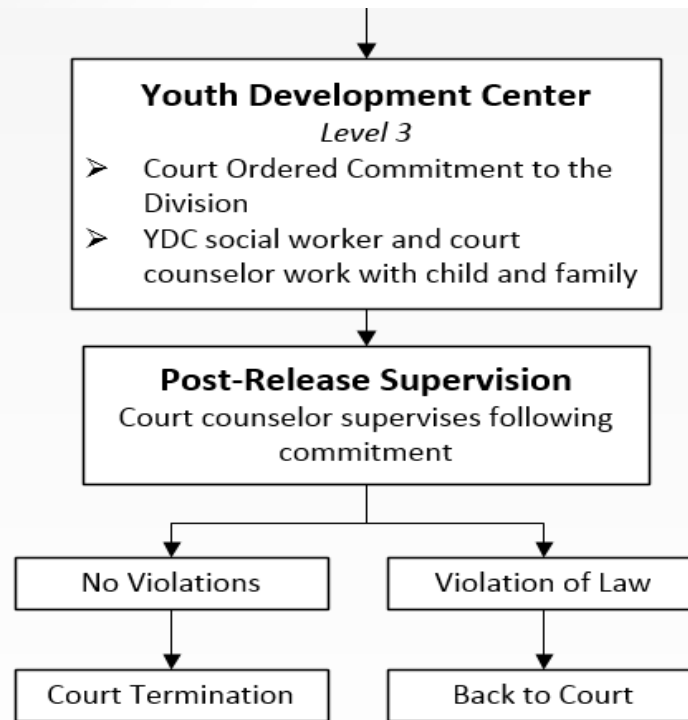
- ▶ Court has authority over parents of adjudicated undisciplined and delinquent juveniles
- ▶ Juvenile court counselors work closely with other agencies (DSS, MH, Schools, etc.) to secure services and to develop a comprehensive plan for juvenile and parent
- ▶ Juvenile court counselors attend and facilitates Child Family Team meetings to develop plans for juveniles and families
- ▶ Juvenile court counselors provide transportation to juveniles and families to ensure they get the services needed
- ▶ Juvenile court counselors maintains contact when juveniles are placed out of the home, even if juvenile is placed out of state

# Electronic Monitoring

Figure 1: Distinct Juveniles and Admissions to EM: between January 1, 2010 and December 31, 2015



# Youth Development Center



- Youth 10 years of age and older can be committed to Youth Development Center (YDC)
- Youth committed for 6 months can have his/her commitment extended for an additional period of time to continue care or treatment of the juvenile
- Extended jurisdiction of some youth
  - 21<sup>st</sup> birthday for first-degree murder, first-degree rape, or first-degree sexual offense
  - 19<sup>th</sup> birthday if committed for a Class B1, B2, C, D, or E felony
  - 18<sup>th</sup> birthday if committed offenses other than Class A, B1, B2, C, D, or E felony

# Post-Release Supervision

- Prior to release a post-release supervision planning conference must be held and involve
  - Juvenile
  - Juvenile's parent, guardian, or custodian
  - Juvenile court counselors
  - Staff of the facility
  
- Post-release supervision must be for a period of at least 90 days; no more than 1 year
  
- Written notification given to certain people for Class A or B1 felony
  - Court
  - Juvenile
  - Juvenile's parent, guardian, or custodian
  - District attorney of the district where the juvenile was adjudicated
  - Head of the law enforcement agency that took the juvenile into custody
  - Victim and any of the victim's immediate family members who request in writing to be notified
  
- Supervised intensively upon initial release on post-release supervision

NCGS § 7B-2514



# Information Sharing

- ▶ A juvenile's record of an adjudication for a Class A1 misdemeanor or felony offense, where the adjudication occurred after the defendant reached 13 years of age, may be used by law enforcement, the magistrate, the courts, and the prosecutor for pretrial release, plea negotiating decisions, and plea acceptance decisions for a defendant (less than 21 years of age at the time of the offense) in a criminal proceeding involving a Class A1 misdemeanor or a felony.
- ▶ A juvenile's record of an adjudication of delinquency for a felony offense may be examined without a court order by the probation officer in the Section of Community Corrections of the Division of Adult Correction assigned to supervise the person for the purpose of assessing risk when a person is subject to probation supervision.
- ▶ A juvenile's record of an adjudication of delinquency for a Class A, B1, B2, C, D, or E felony may be used in a subsequent criminal proceeding against the juvenile or to prove an aggravating factor at sentencing. The record may be used only by order of the court in the subsequent criminal proceeding, upon motion of the prosecutor, and after an in camera hearing to determine whether the record in question is admissible.
- ▶ Information obtained regarding any juvenile record shall remain confidential and shall not be placed in any public record.

NCGS § 7B-3000

