



Criminal Investigation & Adjudication Committee of the NC Commission on the Administration of Law and Justice

Summary of Public Comments on Interim Report

Prepared by: Emily Portner, NCCALJ Research Associate

Overview of Total Comments Received on All Reports

- Detailed feedback received from **24** judicial branch stakeholder organizations, including:
 - NC Conference of Clerks of Superior Court
 - Equal Justice Alliance
 - NC Equal Access to Justice Commission
 - Legal Services of Southern Piedmont
 - The Criminal Justice Debt Working Group
 - NC State Bar (IOLTA)
 - NC Office of Indigent Defense Services
 - NC Conference of District Attorneys
 - Conference of Superior Court Judges of North Carolina
 - NC Conference of Court Administrators
 - NC Magistrates Association
 - Carolina Justice Policy Center
- **423** total attendees at four public hearings; **131** speakers at those hearings.
- Written comments received from **208** unique individual judicial branch employees and members of the general public.
- Four main areas of public interest include:
 - Raising the age of juvenile jurisdiction from 16 to 18
 - Increased funding for civil legal aid services and the North Carolina Legal Education Assistance Foundation (NC LEAF)
 - Family Court expansion
 - The method of judicial selection

Comments Specific to the Criminal Committee Interim Report by Area of Focus

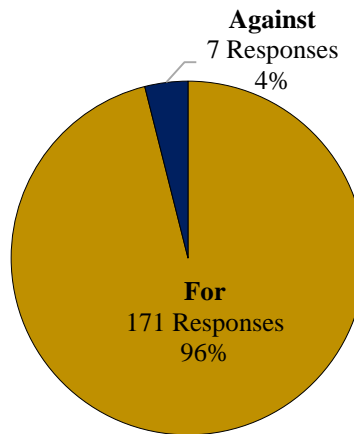
I. JUVENILE AGE

Comments Received Regarding Raising the Juvenile Age

Written Comments through Website or Email	Verbal Comments Given at Public Hearings	Organizational Comments
101	59	18

Summary: Of a total 178 comments received on the Committee’s recommendation to raise the juvenile age, 171 of those comments were in support of raising the age, while 7 expressed a desire to keep the law as is. This represents a **96% support rate** overall, as shown in the chart below.

Rate of Support for Committee's Juvenile Age Proposal

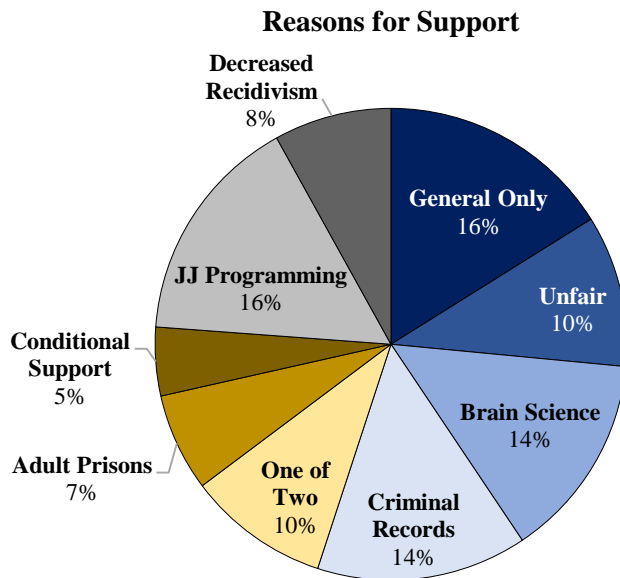


Forum	For Proposal	Against Proposal	Total	% in Favor
Written	94	7	101	93.1%
Verbal	59	0	59	100.0%
Organizations	18	0	18	100.0%
Overall	171	7	178	96.1%

For all comments expressing support for the Committee’s proposal, the noted reasons for support were counted across the nine broad categories listed below and summarized in the following chart.

1. General Support Only – no provided reasons beyond, “I support.”
2. It’s Unfair – expressed the sentiment that it is unfair to treat 16 and 17-year-olds as adults because they are viewed as children in other aspects of society (e.g. military enlistment, voting, etc.)
3. Brain Science – pointed to voluminous brain science which suggests that the human brain does not mature until much later
4. Criminal Records – expressed frustration that youth are saddled with the collateral consequences of an adult conviction
5. One of Two – mentioned that North Carolina is one of only two states that treats 16 year-olds as adults.

6. Dangers of Adult Prisons – noted research that shows that youth are at a high risk of experiencing mental health issues and physical and/or sexual assault in adult prisons
7. Juvenile Justice Programming – noted support for the age-appropriate and rehabilitative nature of the juvenile justice system that is absent in the adult system
8. Decreased Recidivism – mentioned research which suggests that recidivism decreases when youth are adjudicated in the juvenile system
9. Support Upon Certain Conditions – noted support for the proposal only if certain conditions were met. The top three mentioned conditions of support were: (1) adequate funding, (2) a removal of the automatic transfer of Class A-E felonies to adult court, and (3) the addition of expungement relief for people with convictions from when they were 16 and 17 years-old.



		Reasons for Support							
Forum	General Only	Unfair	Brain Science	Criminal Records	One of Two	Adult Prisons	Support Upon Certain Conditions	JJ Programming	Decreased Recidivism
Written	34	16	27	21	16	12	8	20	5
Verbal	10	13	13	14	9	5	5	18	12
Organizations	4	2	2	8	4	3	1	9	7
Overall	48	31	42	43	29	20	14	47	24

Note: As many comments listed multiple reasons for support, the sum of the reasons is greater than the number of comments received.

The reasons for support varied greatly, but aside from general expressions, the most common reasons given were: (1) confidence in the rehabilitative nature of juvenile justice programs, (2) a desire to prevent youth from gaining adult criminal records, and (3) research on brain science.

Detailed Feedback from Judicial Branch Stakeholder Organizations

Staff summaries in italics.

1. ACLU of North Carolina
 - a. The response of the ACLU of North Carolina have been provided in full as an attachment to this summary as it provides significant commentary on the automatic transfer of Class A-E felonies to adult court, and on expungement relief.
2. Campaign for You Justice / Juvenile Law Center / National Juvenile Justice Network / W. Haywood Burns Institute
 - a. *Submitting a joint commentary, these four organizations support raising the age but strongly encourage the committee to allow juvenile court judges sole transfer discretion after a probable cause finding and a transfer hearing. They note that judicial discretion is the most common statutory form of youth transfer to adult court in the country, with only 15 states allowing prosecutors' discretion without judicial approval.*
3. Carolina Justice Policy Center
 - a. *Supports raising the age because crime is down, juvenile justice system costs are down due to DACJJ's careful planning, YDC costs are down due to decreasing populations, and DACJJ stands ready to implement this change.*
4. Charlotte Chapter of Jack and Jill of America, Inc.
 - a. *Supports raising the age and urges that a suggestion that the state cannot financially afford to make the switch at this time should not be a barrier to recommending and advocating for this necessary change in archaic law.*
5. Conference of Superior Court Judges of North Carolina
 - a. *Of a survey of Superior Court Judges resulting in 29 responses, a significant majority (76%) favors raising the age. Of this 76% in support, 71% favors providing District Attorneys with discretion to seek to try more violent offenders as adults but it is noted that there should be a judicial role in allowing such prosecution. Options of creating a "special class" of defendants consisting of juveniles aged 15 to 18, as well as the creation of some sort of "habitual offender" status to allow for prosecution as an adult are also mentioned.*
6. Conservatives for Criminal Justice Reform
 - a. *Supports raising the age, citing the success of the age-appropriate programs in use in the juvenile justice system. Applauds the Committee for taking into consideration the concerns of the District Attorneys.*
7. Disability Rights North Carolina
 - a. *Supports raising the age and notes that children with disabilities are three times more likely than their peers without disabilities to be involved in the criminal justice system; stressing that this statistic makes it even more important that youth be prosecuted in the juvenile system where they can get the rehabilitative services they need.*
8. John Locke Foundation
 - a. *Supports raising the age, citing evidence of reduced recidivism in the juvenile system, but questions the Committee's recommendation that all Class A-E felonies be automatically transferred to adult court. While noting that these are serious crimes, the Foundation suggests that leaving in place the current statutory provision of automatic transfer for Class A felonies and judicial transfer discretion for all other felonies is the best way to*

achieve an appropriate balance between the goals of providing adequate punishment and deterrence on the one hand, and reduced recidivism on the other.

9. JusticeMatters
 - a. Supports raising the age, noting that the juvenile system reduces the risk of youth being human trafficked or exploited in other ways by providing them with a greater ability to secure employment, housing, and transportation, or to otherwise rebuild their lives.
10. Legal Services of Southern Piedmont
 - a. Supports raising the age and asks that the committee amend its proposal to expand expungement eligibility for individuals who have been convicted of misdemeanors and nonviolent felonies as 16 and 17-year olds in the past.
11. MomsRising
 - a. Supports raising the age and includes the names and messages of 515 North Carolinians in support of the Committee’s proposal.
12. NC Child
 - a. Supports raising the age and notes that research is clear the juvenile justice system is the best place to serve most youth, supporting rehabilitation, improving public safety by reducing the likelihood that juveniles will reoffend, and saving the state money.
13. North Carolina Commission on Racial and Ethnic Disparities
 - a. The response of the Commission on Racial and Ethnic Disparities have been provided in full as an attachment to this summary as it provides significant commentary and data on how raising the age would lower racial disparities in the criminal justice system, and how automatic transfer of Class A-E felonies to adult court would disproportionately affect children of color.
14. North Carolina Conference of District Attorneys
 - a. Comments of the Conference of District Attorneys have been provided in full as an attachment to this summary.
15. North Carolina Equal Justice Alliance
 - a. Supports the Committee’s raise the age proposal and suggests expanding expungement eligibility to provide relief to people who have been convicted of misdemeanors and nonviolent felonies
16. North Carolina Magistrates Association
 - a. Supports raising the age to 18 unless the child is legally emancipated.
17. Office of Indigent Defense Services
 - a. Supports raising the age and applauds the thoroughness of the Committee’s proposal.
18. Youth Justice Project of the Southern Coalition for Social Justice
 - a. The response of the Youth Justice Project have been provided in full as an attachment to this summary as it provides significant commentary on the automatic transfer of Class A-E felonies to adult court, and on the District Attorneys’ request that they be given discretion to transfer 13, 14, and 15 year-olds.

II. INDIGENT DEFENSE

Comments Received Regarding Indigent Defense

Online Comments	Verbal Comments	Organizational Comments
8	5	4

Online Comments from the General Public and Judicial Branch Employees

First Name: Chris

Last Name: Rogerson

Email: chrisrogerson@rocketmail.com

Affiliation: Attorney

Online comments:

The current IDS contract system has cost the State more money than it has saved. Before the contract system the shortfall was 3 times less than what it is now. Serious consideration should be given to fixed fees on Class 3 Misdemeanors and Probation Violations. My suggested rate for these matters is \$125.00. This would be the same rate no matter if it is a District or Superior Court case. If you look at the numbers Statewide for appointed services on these types of matters you will see that going with a fixed rate of \$125.00 will save close to 2 million dollars. Secondly, although I am in favor of the death penalty, the fact that it is so rarely used, the State legislature would be better off instituting a moratorium on the imposition of the death penalty. This will save a tremendous amount of money that is being spent on capital case defenses through IDS. The current contract system is flawed because it allows the lazy lawyer to push cases through at the expense of effective representation of their client. It becomes a mission to fill the contract quota as opposed to doing their job. The contract system is a breeding ground for ineffective assistance of counsel claims. Lastly, District Attorney Offices have to be consistently proactive in moving cases. Each judicial district is different in how quick a case can be resolved. We have failed to adequately dispose of low level felonies (Class H and I) at the district court level which is allowed by statute. District Court Judges often balk at this because they say that is the job of the Superior Court Judge. To have an effective judicial system you need to be a judicial team. Judges, DAs, and Defense counsel need to be proactive in resolving these cases so that the more serious cases do not drag on for years at the expense of the victim or the defendant as the case may be. These are just a few of the comments that I can share. I am more than happy to share these concerns in more detail with the Committee but I am unable to attend any of the public meeting.

First Name: Jason

Last Name: Williams

Email: jason@jasonwilliamslaw.com

Affiliation: Attorney

Online comments:

I want to express my dissatisfaction with the compensation to attorneys who represent indigent defendants in North Carolina. When I began in private practice in 2003 the rate for appointed work in District Court was \$75.00 per hour. That was slashed to \$55.00 per hour in approximately 2008 and has remained deplorably low ever since. I have been told by attorneys only slightly older than me that the rate was at one time \$125.00 per hour. I realize that the state experienced a budget crunch several years ago, but to maintain the rate at \$55.00 per hour – which is almost three quarters less than my normal hourly rate for retained work – is outrageous eight years later.

A colleague cited a study he read several years ago that estimated that a small law office, consisting of one attorney, one paralegal and a part-time receptionist, costs some \$86.00 per hour to just break even. If it costs \$86.00/hour to run a law office, how can North Carolina justify paying attorneys not even two-thirds of that amount for appointed work?

I believe strongly not only in indigent defense as a concept, but in helping our poorest citizens who are involved in the legal process. If I did not, I would stop accepting appointed work immediately, to protest the way North Carolina has treated attorneys who take on this task. Our late Resident Superior Court Judge, the Honorable William C. (Bill) Griffin, Jr., had a saying he often repeated when signing a fee

application: “Don’t worry lawyer, your reward will be great in heaven.” That may be well and good, but the State of North Carolina should fairly compensate attorneys who do appointed work here on earth as well.

One final comment: Contracts are not the answer to indigent defense either. In my view, contracts encourage attorneys to take on too many cases and to cut costs, and that leads to bad lawyering. The administration of justice cannot be run as a business. We represent poor people; we do not make widgets. Indigent defendants deserve better.

First Name: Judge Jeffrey

Last Name: Noecker

Email: jnoecker13@aol.com

Affiliation: District Court Judge

Online comments:

Indigent defense is working well in my district under the leadership of Public Defender Jennifer Harjo. More funding should be provided for IDS and the PD offices and there should be a private counsel rate increase.

First Name: Carol

Last Name: Andres

Email: attyatlaw503@bellsouth.net

Affiliation: Attorney

Online comments:

I believe that too many undeserving unqualified people are being given free legal counsel; the result is twofold. It affects income of private practitioners and it uses resources that those who are indeed qualified should get. I had an appointed criminal client who confided that she was just awarded and collected \$55,000.00 in a civil case. I sent her back to the public defender to report her estate accurately. Obvious violators should be investigated and prosecuted as examples to others who might consider lying about their assets.

First Name: Kathy

Last Name: Harris

Email: cat3145@centurylink.net

Affiliation: General Public / Private Citizen

Online comments:

I agree with the proposed recommendations about indigent defense.

First Name: Kristin

Last Name: Parks

Email: krisdparks@gmail.com

Affiliation: Attorney

Online comments:

Thank you for your work with these issues. I appreciate the committee's effort to acknowledge the need to fund IDS at a level that helps our court system run more effectively.

First Name: Luke

Last Name: Largess

Email: cat3145@centurylink.net

Affiliation: Attorney

Online comments:

I strongly support better funding for indigent defense. We are approaching funding levels that threaten our ability to comply with Gideon. It is very disconcerting.

First Name: Pricey

Last Name: Harrison

Email: pricey.harrison@ncleg.net

Affiliation: NC House of Representatives

Online comments:

I hope the Commission will encourage increased funding of Indigent Defense Services so that our criminal justice system works more efficiently, fairly, and effectively.

Verbal Comments Provided at Public Hearings

First Name: Drew

Last Name: Findling

Public Hearing: Charlotte

Summary of Comments:

As a representative of the National Association of Criminal Defense Lawyers, Mr. Findling thanked the Commission for its work in looking at indigent defense. We need to keep the private bar engaged. We have many fine law schools in NC; should have a robust appointment system and make sure local lawyers are trained and have access to immigration consultants. Make sure that all misdemeanants are eligible for defense due to the collateral consequences. Give back control of this issue to the non-judiciary. Judges should not be involved in the appointment of the public defenders.

First Name: Kevin

Last Name: Tully

Public Hearing: Charlotte

Summary of Comments:

Mr. Tully spoke about public defender appointment authority. He advocates that the PD should be appointed independent of the judiciary given the sentiments that exist that justice system is rigged and there are biases against people of color. He pointed out that NC is the only state in the nation to have judges appoint PDs in cases.

First Name: Judge Melinda

Last Name: Crouch

Public Hearing: Wilmington

Summary of Comments:

Judge Crouch supports increased funding for staff of the public defender's office.

First Name: Jason

Last Name: Minnicozzi

Public Hearing: Wilmington

Summary of Comments:

Mr. Minnicozzi commented that pay for attorneys and legal staff in offices of public defenders is too low. The offices need more positions, and the combination of high workload and the low current entry level pay limits the number of quality attorneys joining these offices.

First Name: Judge Brad
Last Name: Letts
Public Hearing: Asheville
Summary of Comments:

Judge Letts stressed the importance of public defender offices. He noted that in his experience, on average, they provide better representation, more access to judges, and they are more cost efficient.

Feedback from Judicial Branch Stakeholder Organizations

1. Conference of Superior Court Judges of North Carolina
 - a. *Of a survey of Superior Court Judges resulting in 29 responses, a significant majority (76%) favors the creation of public defender offices in all districts. However, a vocal minority strongly disagrees, particularly for rural districts. While most responders have high regard for the quality of representation by APDs, others believe that appointed counsel from the private bar are more motivated to move cases expeditiously. Comments include:*
 - i. *APDs lack incentive to move cases.*
 - ii. *APDs under report hours spent on cases.*
 - iii. *Funding for PDs and for payment of non-PD appointed counsel should be improved.*
 - iv. *Attorneys in rural districts without PDs now would suffer, and such attorneys provide better service.*
2. National Association of Criminal Defense Lawyers
 - a. Comments of the National Association of Criminal Defense Lawyers have been provided in full as an attachment to this summary.
3. North Carolina Conference of District Attorneys
 - a. Comments of the Conference of District Attorneys have been provided in full as an attachment to this summary.
4. Office of Indigent Defense Services
 - a. Comments of the Office of Indigent Defense Services have been provided in full as an attachment to this summary.

III. PRETRIAL RELEASE

Comments Received Regarding Pretrial Release

Online Comments	Verbal Comments	Organizational Comments
4	5	6

Online Comments from the General Public and Judicial Branch Employees

First Name: Caitlin
Last Name: Fenhagen
Email: cfenhagen@orangecountync.gov
Affiliation: Attorney
Online comments:

In regard to Pretrial Release, great reform is needed in North Carolina. The current pretrial release policies and procedures in place in the majority of jurisdictions disparately impact the poor and minorities and most importantly, do not serve the necessary purpose of ensuring public safety and court attendance. Low-risk offenders are being arrested in higher numbers but risk remaining in custody due to small cash bonds they are not able to pay. There is often no meaningful evaluation by magistrates or district court judges of an individual's flight risk, the public's safety and the ability to post bond. An individual's pretrial detention in a jurisdiction depends more on who the arresting officer is, who the magistrate is when they are booked and which judge is presiding over their first appearance, as opposed to the nature of their offense or criminal record. These periods of pretrial detention are costly to the community and costly to the detainee in terms of family, employment, housing and treatment stability. In addition to examining ways to reduce unnecessary arrests and divert minor offenders, jurisdictions must review their pretrial release policies, educate magistrates and district judges on pretrial release issues and institute race-neutral, evidence-based risk determinations.

However, I do not know if there is one evidence-based tool that fits every jurisdiction or the entire State. I would be very concerned if magistrates were the only entity to utilize the tool, although that would be a useful start. I think that an independent pretrial release program utilizing best practices and a defense counsel presence at first appearances are critical to meaningfully addressing pretrial release conditions. In addition, jurisdictions need to review their pretrial release policies and institute policies that favor release over detention, that recommend appropriate and effective pretrial release conditions and if detention is necessary, require specific written findings of fact to justify the bond. Jurisdictions and pretrial release programs should be equipped with case management software that allows the data on pretrial release outcomes to be tracked so that jurisdictions can continue to address issues and disparities and make modifications as needed. There should always be a mechanism for court reminders, as the data is clear that this is the best way to reduce failures to appear. Lastly, every stakeholder involved in the pretrial release decision has their own implicit biases and these must be examined and recognized. Mandatory racial equity and cultural competency trainings could assist in reducing these biases in the area of pretrial release decisions.

I look forward to being a part of the reform in North Carolina. It is critical that we begin implementing practices immediately to reduce the growing numbers of individuals being held in pretrial detention.

First Name: Johanna

Last Name: Jennings

Email: jennings.johanna@gmail.com

Affiliation: Attorney

Online comments:

Ms. Jennings' comments have been provided in full as an attachment to this summary.

First Name: Mani

Last Name: Dexter

Email: Mani.L.Dexter@nccourts.org

Affiliation: Assistant Public Defender

Online comments:

Ms. Dexter's comments have been provided in full as an attachment to this summary.

First Name: Amanda

Last Name: Fisher

Email: Magc3023@yahoo.com

Affiliation: Magistrate

Online comments:

Ms. Fisher's comments have been provided in full as an attachment to this summary.

Verbal Comments Provided at Public Hearings

First Name: Judge Regan

Last Name: Miller

Public Hearing: Charlotte

Summary of Comments:

Judge Miller thanked Commission members for their efforts on the commission. He appreciates them looking at things that have always been done the same way to see if changes need to be made. Mecklenburg County has implemented a pre-trial risk assessment and he recommends that the Commission continue to look at possible tools.

First Name: Judge Elizabeth

Last Name: Trosch

Public Hearing: Charlotte

Summary of Comments:

In Judge Trosch's experience, pre-trial release has worked in Mecklenburg County (reduced pre-trial jail population by 45% in 5 years) and she encourages making decisions for pre-trial release should be based on data not money.

First Name: Kevin

Last Name: Tully

Public Hearing: Charlotte

Summary of Comments:

Mr. Tully advocated for pretrial release and stated that money bail is a lie, which doesn't keep the public safe nor does it help appearance rates in court. He believes that other things can increase appearance rates, such as supervision, text reminders, etc., and studies have proven this (he cited a study from a university in PA). He encourages the commission to do something about it.

First Name: Brian

Last Name: Shipwash

Public Hearing: Jamestown & Charlotte

Summary of Comments:

Mr. Shipwash spoke in opposition to pretrial release programs. He noted that the programs don't save money, and he thinks the NCCALJ has failed to hear from school boards who benefit from bond forfeitures. He said that several studies show that money bail is more effective than pretrial release, contrarily to what the Commission has heard so far. He remarked that pretrial is claiming civil rights because it is the "flavor of the month." He said that pretrial has been given five hours in front of the commission while money bail has been given two minutes and asks the Commission not to fall for the lies of pretrial release and let the bail agents put forth their numbers as well. He commented that he was promised equal time to present information to the NCCALJ criminal committee, but he has not yet received that opportunity. He suggested that the criminal committee has already formed an opinion. He also thinks that other topics would be better served by the criminal committee of the NCCALJ.

First Name: Sonya

Last Name: Pfeiffer

Public Hearing: Charlotte

Summary of Comments:

Ms. Pfeiffer spoke on pretrial release. She said that every person who works in a courtroom understands this area needs significant reform. She is happy the NCCALJ is studying this issue, including involving an expert that is looking at risk assessment tools. She stressed that too many people are held for minor

crimes due to money bail and encourages the commission to build a system where incarceration while awaiting trial is not the norm.

Feedback from Judicial Branch Stakeholder Organizations

1. Criminal Justice Debt Working Group
 - a. Comments of the Criminal Justice Debt Working Group have been provided in full as an attachment to this summary.
2. Mecklenburg County Criminal Justice Services
 - a. *The use of financial bail for pretrial release poses considerable threat to ensuring a defendant’s constitutional rights and leads to disproportionately negative impacts on people of color who have been accused of an offense. For these reasons, CJS greatly supports statewide efforts to increase the use of risk-based decision-making in making bond determinations and to reduce reliance on financial bail. Research shows that there is no correlation between public safety and the use of financial bail; and, a relationship between court appearance and financial bail is dubious. In order to ensure public safety while also assuring the rights of defendants are upheld, CJS supports the recommendation to explore the use of preventive detention.*
3. North Carolina Bail Agents Association
 - a. Comments of the North Carolina Bail Agents Association have been provided in full as an attachment to this summary.
4. North Carolina Conference of Clerks of Superior Court
 - a. *When the appropriate time comes for the committee to report and identify existing statutes, court rules, local procedures, etc. that would need to be modified or repealed to implement the recommendations regarding assessing pretrial risk, the clerks ask for input and participation in this process as they handle the bonds, tracking, files, blue sheets, etc. that deal with this topic, along with the magistrates who would be performing the work. Clerks support effective and well-designed court date reminders electronically when done automatically to save postage and the clerks’ additional time.*
5. North Carolina Conference of District Attorneys
 - a. Comments of the Conference of District Attorneys have been provided in full as an attachment to this summary.
5. North Carolina Magistrates Association
 - a. *Magistrates welcome the use of scientific tools, but also caution against relying solely upon them – determining release conditions still requires the human element by highly trained, experienced professionals who have the freedom and latitude to use those tools in conjunction with their own judgment to come to a final conclusion about what conditions to set for a defendant’s release.*
6. Office of Indigent Defense Services
 - a. Comments of the Office of Indigent Defense Services have been provided in full as an attachment to this summary.

IV. CRIMINAL CASE MANAGEMENT

Comments Received Regarding Expanding Legal Support Staff

Online Comments	Verbal Comments	Organizational Comments
5	1	4

Online Comments from the General Public and Judicial Branch Employees

First Name: E Thomas

Last Name: Bowers

Email: tom@peoplebuilding.biz

Affiliation: General Public / Private Citizen

Online comments:

I have attended many criminal court hearings as an active member of CharMeck Court Watch and have never seen a victim nor witness for the prosecution, only defendant family and friends who claim defendant made a bad choice even though defendant has a long list of prior arrests and warnings. Victims need more notice and protection. Case delays at the convenience of either party make this impossible. Court time is too valuable to allow so many delays so easily.

First Name: Joey

Last Name: Maples

Email: jmaples@carliecs.com

Affiliation: General Public / Private Citizen

Online comments:

My name is Joey Maples. I'm the Director of Loss Prevention for a 20 store grocery store chain in Eastern NC. It would make it much more economical and would also help us organizationally if all courts in all counties in NC would allow a "representative" of the company to represent the company in court, rather than some counties forcing the actual person who may have been working at the time of the crime. Our employees need to be in the stores being productive when we are paying them. Not sitting in a court room for hours, especially when the chances are that a case is going to be continued. Furthermore, all employees do not understand court room etiquette, nor are they familiar with legal terminology. It makes much more sense for a representative from a corporate office to be able to represent the store in any case of simple shoplifting, simple larceny, or returned checks. For special cases involving high dollar crime (over \$1,000), perhaps the actual employees working should be present, however, not on a routine basis.

First Name: Charles

Last Name: Anderson

Email: Not provided

Affiliation: District Court Judge

Online comments:

A genuine question exists as to whether these dispositions might in today's world be conducted electronically by means which provide adequate procedural safeguards and appropriate communications, without the expense of processing and transporting an inmate across the State to, for example, accept a 60 sentence on a misdemeanor to run concurrently with a 36 month sentence he/she is already serving.

First Name: Diane

Last Name: Wardlow

Email: dianeww5@aol.com

Affiliation: Attorney

Online comments:

I do think the use of a uniform case management approach would make the court system more unified. There will be fairness across the board no matter where you are... everything would be uniform. You would not have one to wonder whether you will get different treatment from one city or town to another.

First Name: Sharon

Last Name: Orr

Email: Not provided

Affiliation: Trial Court Coordinator

Online comments:

It seems creation of positions of “field facilitators” would be a good idea. The concept would be for those closer to retirement and interested could become liaisons between court programs and end users. Often I end up relying on my court services or TSD people to go above and beyond to help me problem solve. Facilitators could problem solve issues end users are having and further increase efficiency. These facilitators could be placed regionally so even rural areas have a contact. These do not need to be people who sit at home and try to “supervise,” but instead are pro-active in trying to problem solve difficulties in their region. They should work together with TSD, CSD and end users. This should bring more efficiency to the system as a whole rather than random districts.

To have equal access to justice, we need equal access to adequate staffing, training and a uniform method in which to operate. Each person may have individual ways in which they create their calendars, but if everyone is physically reviewing files and creating calendars available online with the information their judges wish to appear on the calendar, that’s certainly a start. Until staffing is balanced and new personnel trained, uniformity is nothing more than wishful thinking.

Verbal Comments Provided at Public Hearings

First Name: Todd

Last Name: Nuccio

Public Hearing: Charlotte

Summary of Comments:

Mr. Nuccio feels that implementation of professional court management should be expanded throughout the system. Mr. Nuccio is giving the NCCALJ a report that was given to the Medlin Commission from Judge Collier in 1972. He closed by saying that we need the best and the brightest in the court administrator and judge area.

Feedback from Judicial Branch Stakeholder Organizations

1. Conference of Superior Court Judges of North Carolina
 - a. *Of a survey of Superior Court Judges resulting in 29 responses, more responders agreed than disagreed that the timeliness of disposition of cases can be improved, with more agreeing with respect to criminal (CR) cases than Civil (CV).*
 - b. *Two-thirds of responders agree or strongly agree that the present method of CR case management should be changed. While recognizing that problems with time to disposition exist in some districts, in general responders would not like to see changes that would impact districts with systems that are now working well. Comments include:*
 - i. *If calendar authority is placed with senior resident, more staff will be needed.*
 - ii. *No need for wholesale reform, but there is a need for a uniform procedure for pretrial readiness conferences when discovery issues can be resolved and a schedule established for the filing and hearing of motions.*
 - iii. *Assign to independent third-party, such as trial court administrator (TCA), and funding of TCAs in each district.*
 - iv. *Some districts-good; others-broken.*
2. North Carolina Conference of Clerks of Superior Court
 - a. *Continuances in criminal matters waste an incredible amount of the court's time.*

- b. *Defense attorneys and ADA's should talk to each other PRIOR to court about the cases. To include ADA's giving defense plea transcripts if appropriate.*
 - c. *Defense attorneys should meet with clients and discuss plea offers BEFORE court to include filing out transcript of plea.*
 - d. *DA/attorneys should have all paperwork together prior to court and plea (transcript information, restitution worksheet, etc.).*
 - e. *Have ACIS access on the DA table.*
3. North Carolina Conference of District Attorneys
- a. Comments of the Conference of District Attorneys have been provided in full as an attachment to this summary.
4. Office of Indigent Defense Services
- b. Comments of the Office of Indigent Defense Services have been provided in full as an attachment to this summary.



**Criminal Investigation and Adjudication Committee
of the NC Commission on the Administration of Law and Justice**

**Select Individual Online Comments on Interim Report's Juvenile
Reinvestment Recommendation**

First Name: Elisha

Last Name: Burton

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Affiliation: General Public / Private Citizen

Online comments:

I am a 33 year old woman with dual masters degrees- MBA and MA.Ed. I worked very hard to obtain my post-secondary education and ensure a good life for myself and my family. Unfortunately when I was a teenager, like many teenagers, I did not make the wisest decisions. I got in a fight with another student and threw my shoe at her. It accidentally hit the assistant principal in the head. I was sixteen years old and was charged as an adult. My charge? Assault on a government official. As you can imagine that does not look very nice on a criminal background check. So about six years ago I paid a pretty penny to get my record expunged. I would encourage the state of North Carolina to review the practice of charging sixteen and seventeen year olds as adults. Speaking from experience, it seems unfair that a stupid mistake made as a teenager should follow your criminal record into adulthood.

First Name: Nancy and Frank

Last Name: Griffin

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Affiliation: General Public / Private Citizen

Online comments:

Our son made several bad decisions as a young teen and got caught up with drugs. He stole a car twice for a joy ride with friends and was twice charged. The second offense happened just after his 17th birthday and he was charged as an adult. He has never been violent in any way (the cars he chose were unlocked with keys inside). The point is after more than a year in his 3rd treatment program he was clean and sober and has remained so for 8 years. However, he is still struggling in moving forward because of his record. Local teen wilderness program, SUWS, hired my son after he spent a weekend there as part of the application process. He shared all of the details of his past and record and they saw he would be a wonderful attribute to the program. However, after receiving an email affirming his hiring, HR of SUWS took back the offer when they saw he had charges on his record. This has happened more than once. Now at 25 this young man is mature beyond his years, loving, hard-working, and friend to everyone he meets.

It is wrong for him but also for society to hold back, forever, this person who has much to offer. We were very lucky to have found a dual diagnosis treatment program and insurance to pay the huge bill for it. Most young people do not have this as a possibility. Our son was able to grow and learn skills. He is now taking his talents and knowledge to other countries in work away programs, in part, because his own country is stifling his ability to contribute. It makes no sense!

First Name: Jacqueline

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Affiliation: General Public / Private Citizen

Online comments:

So many 16 & 17 year olds are committing felonies that have a juvenile record but when that 16 or 17 year old goes in front of a judge, that judge does NOT have the juvenile's record. That is a problem! That should not be. That puts the community at risk. If the juvenile system was successful in reforming those they have come in contact with I would fully support extending the program, but we see example after example of 16 year olds who have been in the failed juvenile system committing crimes.

If this age raises to 18, those 16 and 17 year-olds will get 2 more years of a sealed record which put you and me at risk.

The narrative that the defendants learn how to be harder criminals in jail does not carry weight with me. I have known several 16 & 17 year olds that while they were in jail were enrolled in school and were connected to adults that actually inspired them. The problem occurred once those young men got out of jail and were returned to their old stomping grounds. They immediately fell in with the same crowd and in a short time had reoffended again.

And this is AFTER the offender had been in the juvenile system for some time. It just does not make good common sense to extend that juvenile system for 2 more years.

Does anyone meet with the police that are dealing with these juveniles and 16 & 17 year olds to see what their view is? They have the task of handling these young offenders directly and if you ask them their thoughts, you would get a whole different perspective that should be seriously considered. I hear frustration time and time again of how their hands are tied when it comes to juveniles.

Citizens, and you as well, have no idea how difficult it is to get someone off the streets that they deem a danger to the community if they are 15 or younger.

There is a point system that is in place for juveniles and I would encourage you to find that point system and review it. Do you really want to extend that point system for 2 additional years?

Citizens think that juvenile offenders go to a detention center. We know how rarely this happens.

Mecklenburg County doesn't even have a detention center. The youthful offender almost always simply gets returned home.

Lastly, the minimal consequences that are in place in the juvenile system hampers the brain development that so many tout as the reason for the engagement in criminal activity. Consequences help the brain to develop! You are doing the youthful offender a huge injustice by removing them.

Here are some names for you: [names omitted] ... all youthful offenders that received chance after chance only to continue criminal activity during their 16 & 17 years. These are just a few that come to the top of my head. There are MANY more!

I do NOT support raising the age to 18. I am tired of people outside of the judicial system making policy like this. They need to get in the trenches for a while and see how it really works before they make a recommendation about this.

First Name: Janet

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Affiliation: General Public / Private Citizen

Online comments:

I wish to make comments regarding the issue regarding Juvenile Reinvestment-reforming North Carolina's practice of treating 16- and 17- year old as adults in the criminal justice system. My family has personally been affected by NC's outdated policy to treat this age group of children as adults. When my son was a senior in high school, just barely 17, he was arrested at a high school football game for cursing in the stands. While his behavior was not admirable, it didn't deserve the humiliation of an arrest, school suspension for 10 days, and the court costs and attorney fees we paid to adjudicate this through the system. Fortunately, he was given the option to participate in Teen Court in our county and fulfill the punishment given to him to be able to have these charges dropped after completion of those items, which took about 8 months to complete all assignments. He has been able to overcome this situation, achieved his undergraduate degree in 4 years and is currently in post-graduate studies as a third year law student. While this may have been a defining moment in his young life, I believe that the state of NC should not treat this age group as adults, particularly for minor types of offenses. This outdated policy harms our state and our young people in countless ways, and I believe it should change.