

CRIMINAL INVESTIGATION & ADJUDICATION COMMITTEE

Professor Jessica Smith, Committee Reporter

Juvenile Age

Indigent Defense

Criminal Case
Management

Pretrial Release



Indigent Defense

Criminal Case Management

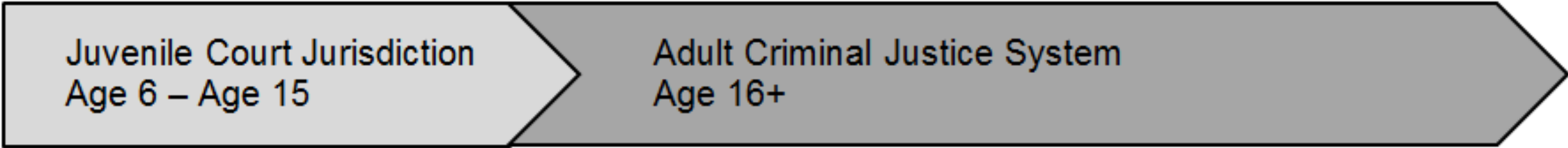
Pretrial Release

Juvenile Age





- William “Billy” Lassiter, Deputy Commissioner Juvenile Justice
- Jim Woodall, District Attorney
- Asa Buck, Sheriff & Commissioner
- Eric Zogry, NC’s Juvenile Defender
- Dick Adams, Crime Victims Compensation Committee & Commissioner
- Paul Holcombe, District Court Judge & Commissioner
- Michelle Hall, Exec. Director, NC Sentencing & Policy Advisory Commission
- LaToya Powell, Assistant Professor, UNC SOG
- Eddie Caldwell, Sheriff’s Association



Juvenile Court Jurisdiction
Age 6 – Age 15

Adult Criminal Justice System
Age 16+

Juvenile Court Jurisdiction
Age 6 – Age 15

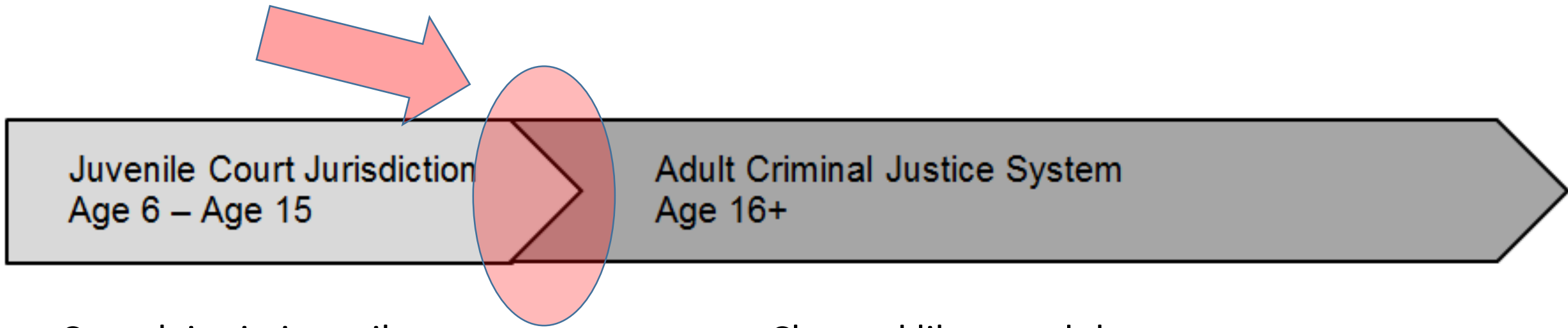
Adult Criminal Justice System
Age 16+

- Charged like an adult
- Held in jail
- Convicted of a crime
- Little parental involvement
- Serves sentence in prison
- All records are public
- Severe collateral consequences

Juvenile Court Jurisdiction
Age 6 – Age 15

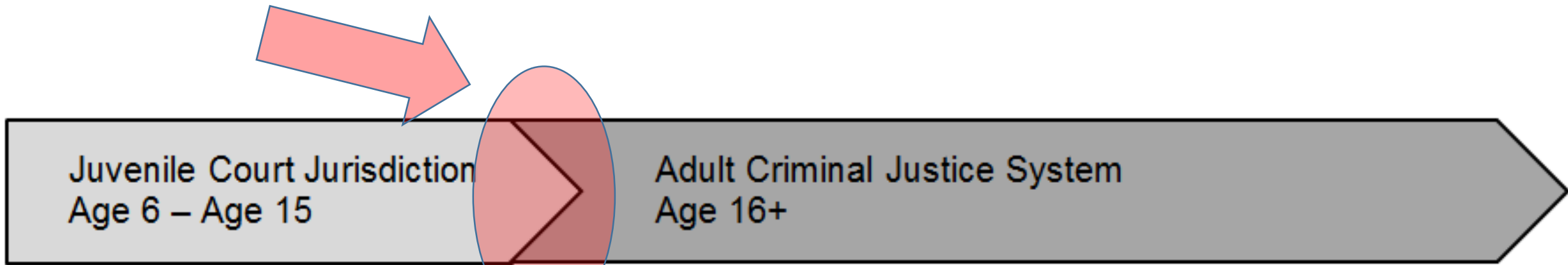
Adult Criminal Justice System
Age 16+

- Complaint in juvenile court
 - Heard in juvenile court
 - Parent required to be involved
 - Sanctions on a continuum
 - Confined in youth facility
 - Records are confidential
 - Avoids collateral consequences
- Charged like an adult
 - Held in jail
 - Convicted of a crime
 - Little parental involvement
 - Serves sentence in prison
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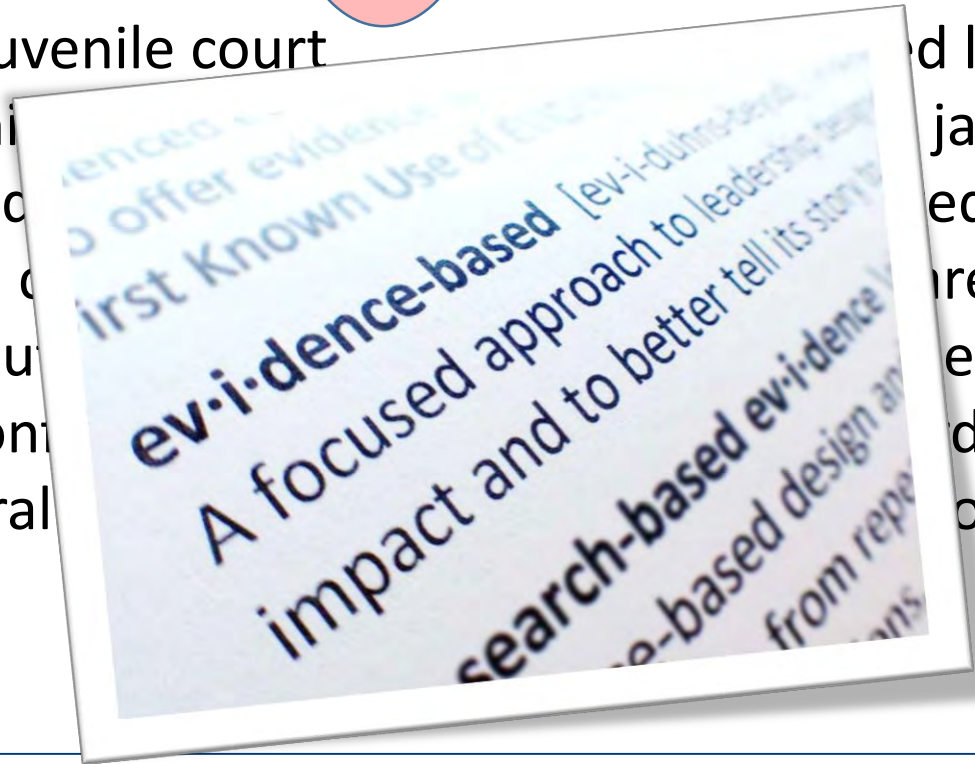


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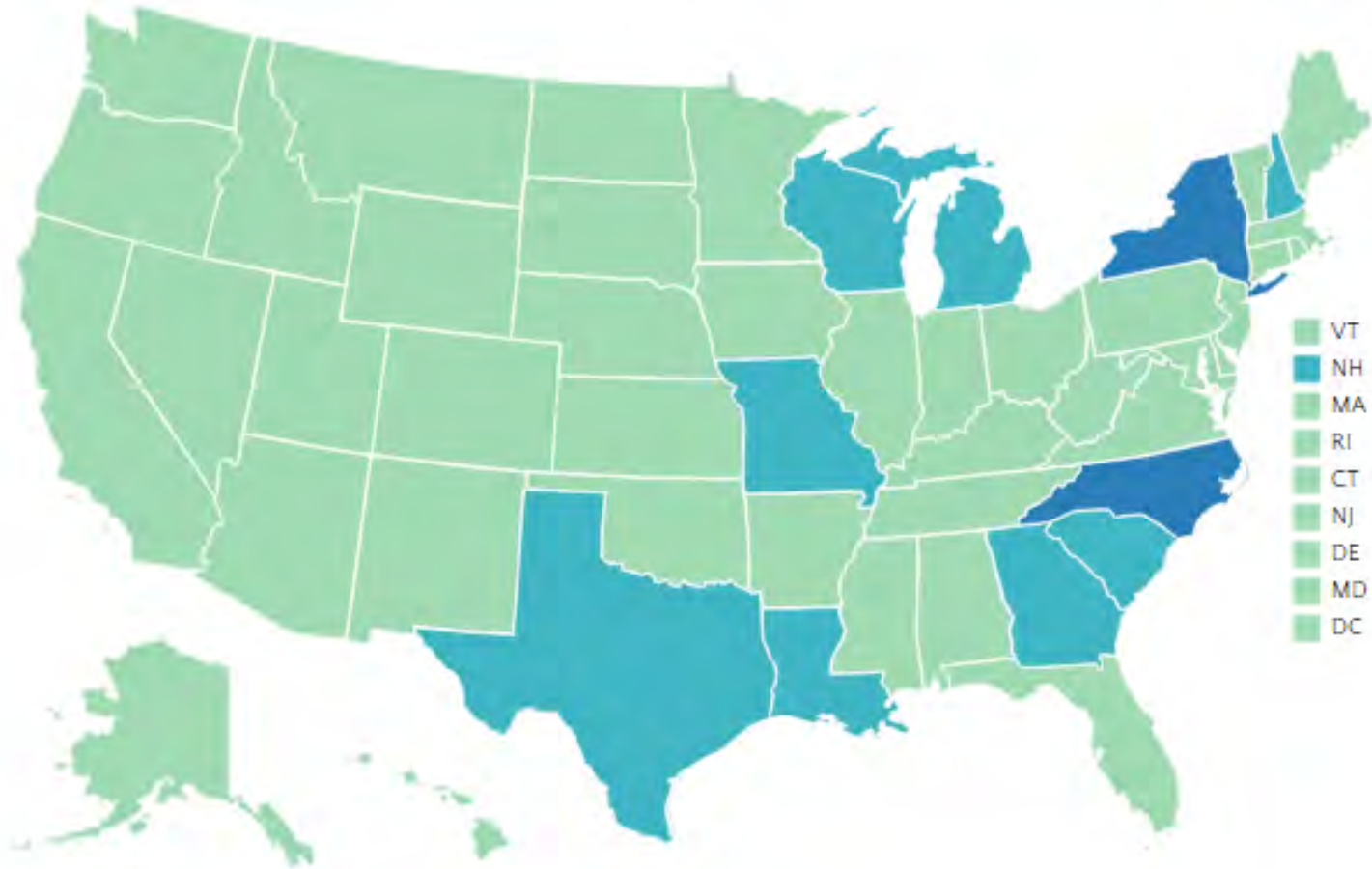
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- Complaint in juvenile court
- Heard in juvenile court
- Parent required to attend
- Sanctions on a case-by-case basis
- Confined in youth facility
- Records are confidential
- Avoids collateral consequences



- Treated like an adult
- Held in adult jail
- Charged with a crime
- Minimal parental involvement
- Sentence in prison
- Records are public
- Collateral consequences



Most NC Youthful Offenders Commit Misdemeanors & Non-Violent Felonies

Violent felonies	3.3%
Misdemeanors	80.4%
Non-violent felonies	16.3%









**SAFETY
FIRST**

The criminal system lacks the ability to implement targeted, juvenile-specific, effective interventions for rehabilitation.

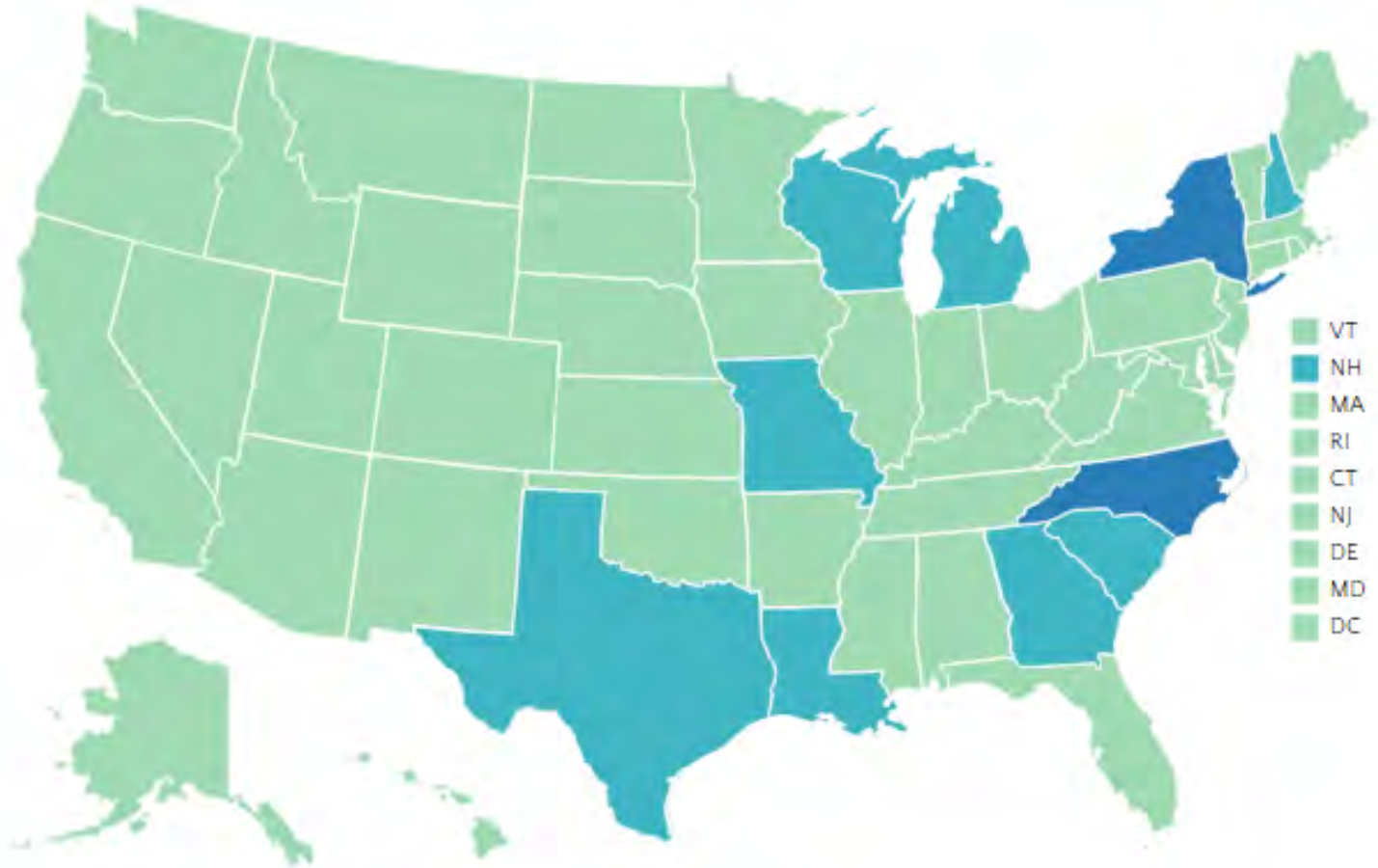


Recidivism



- (1) In 2009, the Governor's Crime Commission Juvenile Age Study submitted to the General Assembly included a cost-benefit analysis of raising the age of juvenile court jurisdiction to 18. The analysis, done by ESTIS Group, LLC, found that the age change would result in a net benefit to the state of \$7.1 million.⁷⁶
- (2) In 2011, the Youth Accountability Planning Task Force submitted its final report to the General Assembly. The Task Force's report included a cost-benefit analysis, done by the Vera Institute of Justice, of prosecuting 16 and 17-year-old misdemeanants and low-level felons in juvenile court. That report estimated net benefits of \$52.3 million.⁷⁷









“Cost savings and improved public safety”











Teens:

- Engage in greater risk-taking behavior
- Less ability to regulate behavior
- More responsive to peer influence
- Less able to weigh long-term consequences
- More sensitive to rewards, especially immediate ones
- Less able to control impulsive behaviors & choices
- Less responsive to threat of criminal sanctions



- Teens are less culpable than adults
- Most teens mature out of crime
- Non-punitive responses (family support, counseling, job skills, etc.) available in juvenile system work best
- Positive peer influences (prosocial peers & adults versus hardened criminals) matter

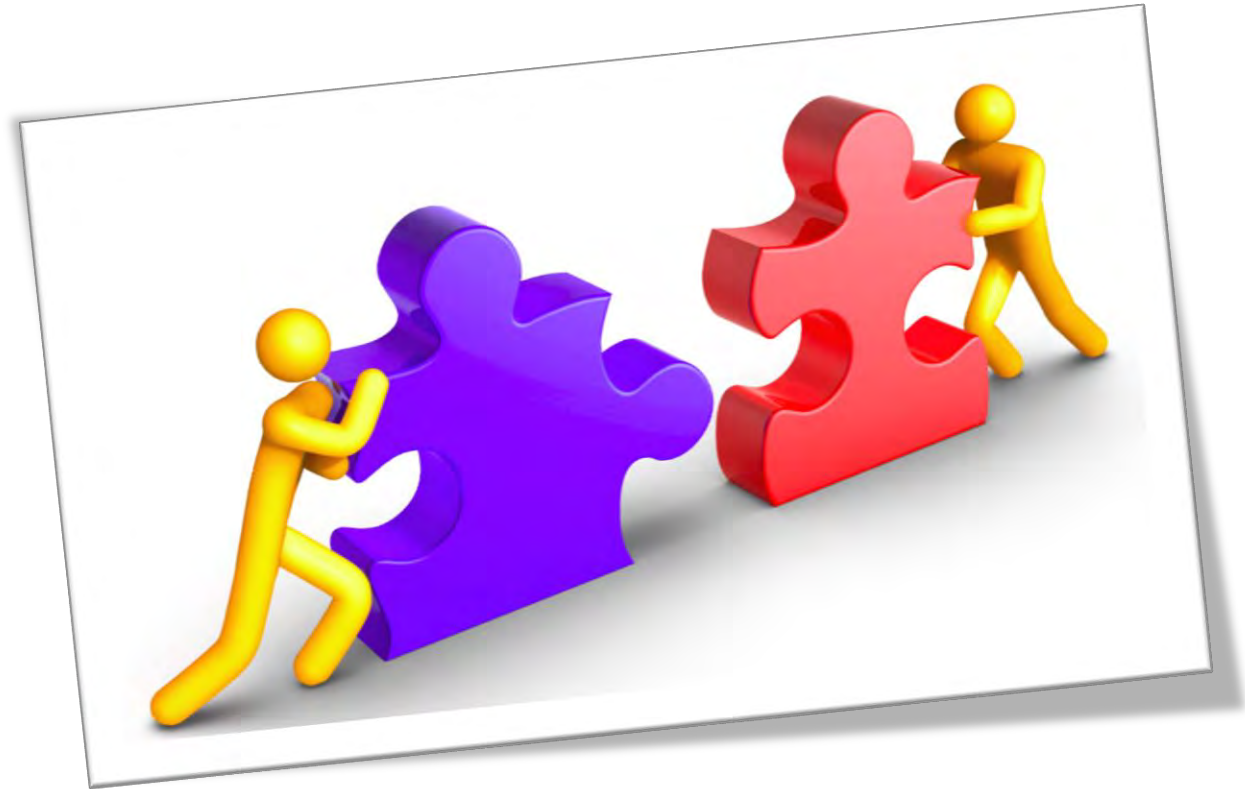
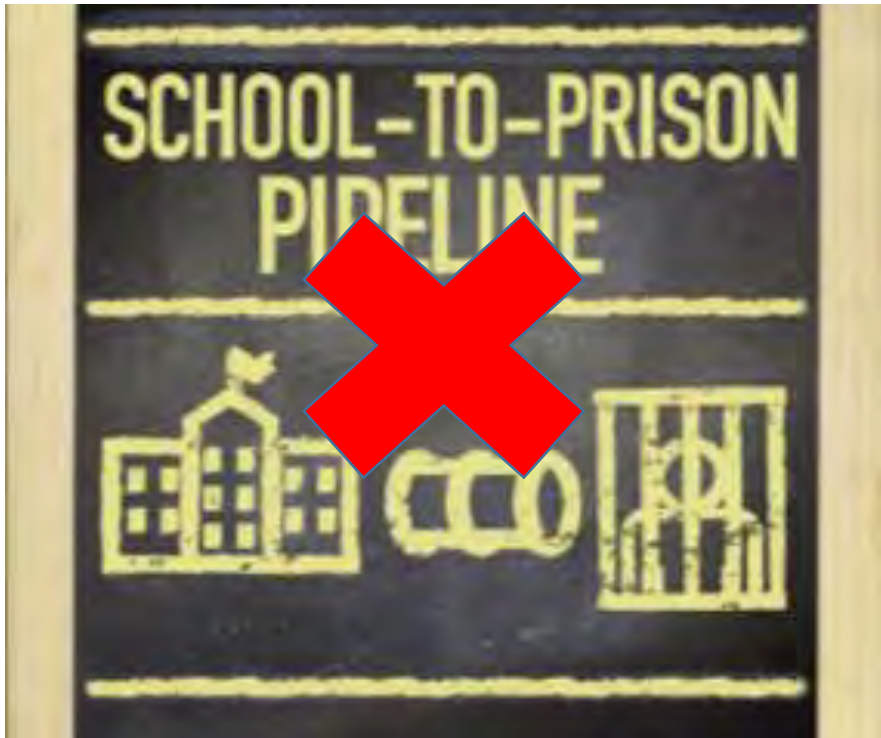




- Roper: No capital punishment
- Graham: No life w/o possibility of parole for non-homicide crimes
- Miller: No mandatory life w/o parole







Executive Summary

North Carolina stands alone in its treatment of 16- and 17-year-olds (“youthful offenders”) like adults for purposes of the criminal justice system. In 1919, North Carolina determined that juvenile court jurisdiction would extend only to those under 16 years old. A substantial body of evidence suggests that both youthful offenders and society benefit when persons under 18 years old are treated in the juvenile justice system rather than the criminal justice system. In response to this evidence, other states have raised the juvenile age. Notwithstanding recommendations from two legislatively-mandated studies of the issue, positive experiences in other states that have raised the age, and two cost-benefit studies showing that raising the age would benefit the state economically, North Carolina has yet to take action on this issue.

After careful review and with historic support of all stakeholders,¹ the Committee recommends that North Carolina raise the age of juvenile court jurisdiction to include youthful offenders aged 16 and 17 years old for all crimes except Class A through E felonies and traffic offenses.² This recommendation is contingent on:



Juvenile Age

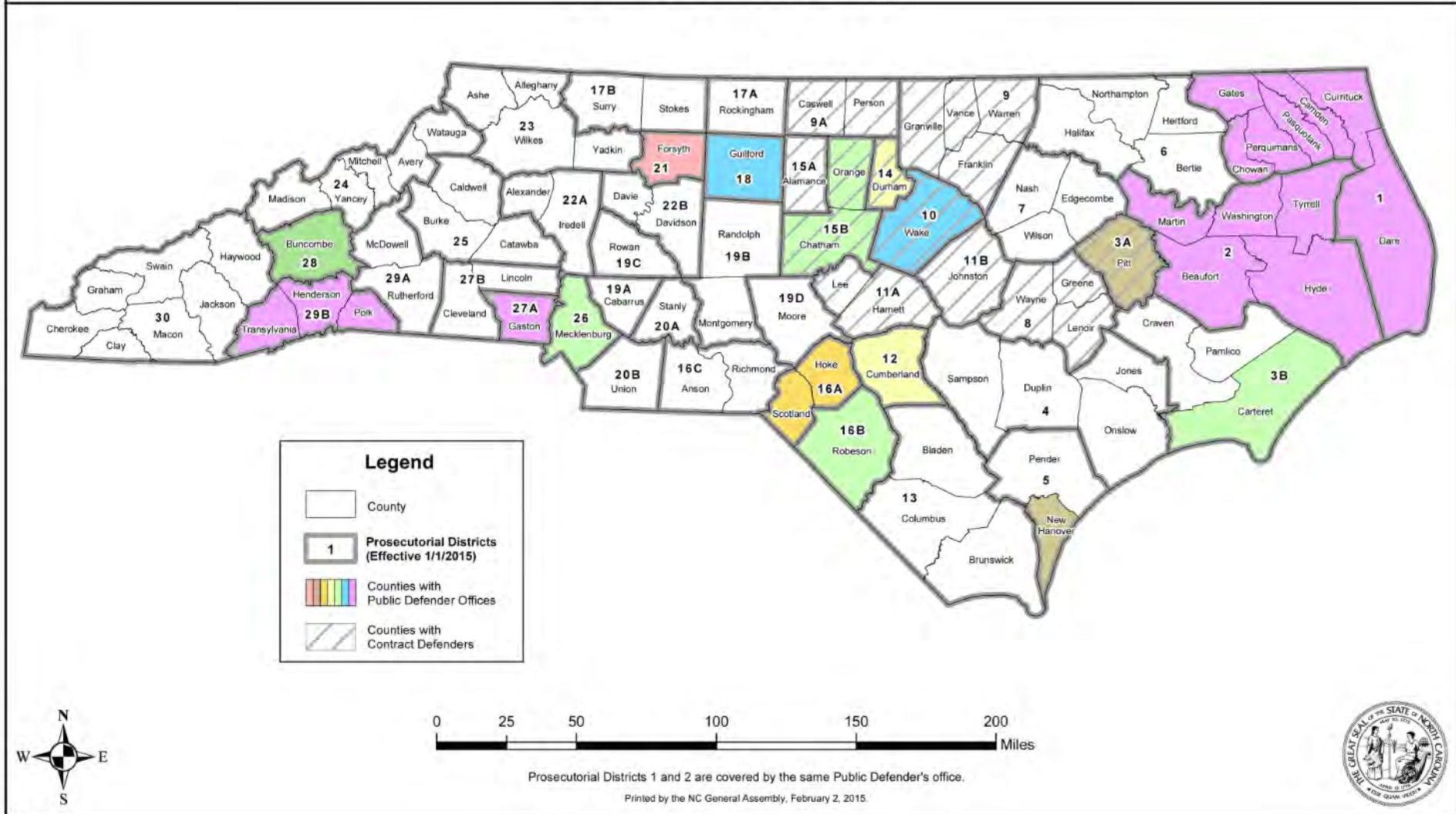


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Indigent Defense

Prosecutorial Districts with Public Defender Offices and Contract Defenders (Effective 1/1/2015)





It's not just about Defendants . . .



It's not just about Defendants . . .



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Improving Indigent Defense in NC

Characteristics of an Effective System

Recommendations to Achieve an Effective System

Strategies to Reduce Indigent Defense Expenses

Improving Indigent Defense in NC

Characteristics of an Effective System

- Meaningful access to counsel
 - Types of cases
 - Determination of indigency
 - Timely appointment of counsel
 - Access to counsel
- Counsel is qualified
 - Supervision & oversight
 - Resources
- System Is Actively Managed
 - Collect & use data in decisions
 - Long-term planning
 - Managed for efficiency
 - Reporting & accountability
- Appropriate independence
- Involved in policy discussions

Recommendations to Achieve an Effective System

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Recommendations to Achieve an Effective System

- Single district & regional public defender offices throughout NC
- Oversight, supervision and support to all counsel
- Uniform indigency standards
- Uniform qualification & performance standards & workload formulas for all counsel
- Reasonable compensation for all counsel
- Developing a long-term plan for the delivery of indigent defense services in NC

Strategies to Reduce Indigent Defense Expenses

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Strategies to Reduce Indigent Defense Expenses

- Decriminalize minor offenses
- Work with prosecution to develop strategies for earlier identification of capital cases

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- Indicators that NC is due for criminal case management reform, e.g., trial delay
- Benefits of doing so, e.g., cost savings, improvements to public trust & confidence, etc.
- Identifying key components of effective criminal case management that can be used in NC, e.g., differentiated case management, performance metrics, evaluation, feedback
- Developing a step-by-step plan for NCAOC to engage in criminal case management reform



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CBS NEWS Video US World Politics Entertainment Health Money

By BRIAN MONTOPOLI CBS NEWS February 8, 2013, 1:20 PM

Is the U.S. bail system unfair?



Bail bonds jail prison generic arrest ISTOCKPHOTO

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Comments by a top judge in New York have reignited a debate over whether the bail system in the United States should be reformed or replaced.

On Tuesday, Judge Jonathan Lippman said the bail system in New York is unfair to the poor, because they often cannot post bail and thus remain behind bars until their court date - even if their alleged offenses are relatively minor. The system as it now stands, he said, "strips our justice system of its credibility."

Bail works like this: Let's say you are arrested for a crime and taken to jail. Your next major step is a bail hearing, where a judge decides the amount of money you must pay in order to be released ahead of your court date. (He or she could also deny bail.) If you cannot pay the bail amount, or get a bail bondsman or other

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When Bail Is Out of Defendant's Reach, Other Costs Mount

By SHAILA DEWAN JUNE 10, 2015



U.S. & POLITICS By Axel Gerdau 1:41

The Burden of Bail

When Dominick Torrence was arrested in Baltimore and unable to make bail set at \$250,000, his girlfriend was faced with child care and other responsibilities. By Axel Gerdau on June 10, 2015. Photo by Axel Gerdau/The New York Times.

Watch in Times Video

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News

FEBRUARY 20, 2014 | PRESS RELEASE

Laura and John Arnold Foundation announces new pilot sites for court risk assessment tool

NEW YORK, NY—Laura and John Arnold Foundation (LJAF) today announced the latest jurisdictions to pilot the Public Safety Assessment-Court (PSA-Court) pretrial risk assessment tool: four counties and one city in **Arizona** (Gila, Mohave, Pinal, and Yuma Counties; and Mesa City); **Santa Cruz County, California**; and **Mecklenburg County, North Carolina**. In addition, several judges in various counties in **Colorado** will also use the tool. The instrument is designed to help judges determine which defendants pose a risk to public safety and should be detained while they await trial, and which do not and can safely be released. The PSA-Court is already being used statewide in **Kentucky**, and LJAF plans to implement the tool in additional jurisdictions in the coming months.

"Risk assessments are a powerful resource to help judges make pretrial decisions," LJAF Vice President of Criminal Justice Anne Milgram explained. "The PSA-Court is the first tool of its kind to measure the risk of violence, and with continued use, we believe this will help reduce crime, increase public safety, and ensure that the criminal justice system operates as fairly and cost-effectively as possible."

"Improving criminal justice at the pretrial stage is a vital component of Arizona's plan to ensure that we incarcerate only those who should remain in jail before they have had a trial and that others are released on terms and conditions that will ensure public safety," said Rebecca Berch, Chief Justice of the Arizona Supreme Court. "Those who do not threaten public safety and will appear for trial should not remain in jail simply because they cannot afford bail. Evidence-based pretrial practices, including the use of a validated instrument for determining which defendants should be released – and which detained – play an important part in furthering this goal. Providing judges with objective data about the risk posed by each defendant allows us to make more effective, evidence-based decisions to protect the public, treat defendants fairly, and control costs – all of which help serve the citizens of our state."

LJAF developed the PSA-Court after research showed that a large percentage of high-risk defendants are released from jail while low-risk defendants are often detained. A data-driven risk assessment can help communities protect the public and spend less on pretrial incarceration. Currently, the nation spends \$9 billion a year to hold defendants before trial.

- Recommendations regarding how NC can improve the way it measures pretrial risk
- Recommendations regarding how NC can improve the way it manages pretrial risk





Presentation Prepared By

Jessica Smith

W. R. Kenan, Jr. Distinguished Professor

North Carolina Commission on the

Administration of Law and Justice

T 919 966-4105

Jessica.Smith@nccalj.org

www.nccalj.org

CONSIDERING HOW NORTH CAROLINA COURTS CAN BEST MEET INSTITUTIONAL NEEDS AND 21ST CENTURY PUBLIC EXPECTATIONS