

**General Statutes relating to the creation of local and state Juvenile
Crime Prevention Councils, effective January 1, 1999**

Part 5. Comprehensive Juvenile Delinquency and Substance Abuse Prevention Plan.

"§ 147- 33.47. Comprehensive Juvenile Delinquency and Substance Abuse Prevention Plan.

(a) The Office shall develop a comprehensive juvenile delinquency and substance abuse prevention plan and shall coordinate with county Juvenile Crime Prevention Councils, as provided in G.S. 147-33.48, for implementation of a continuum of services and programs at the community level. The Office shall ensure that localities are informed about best practices in juvenile delinquency and substance abuse prevention.

(b) The Office shall ensure that the plan contains the following:

1. Identification of the risk factors at the developmental stages of a juvenile's life that may result in delinquent behavior.
2. Identification of the protective factors that families, schools, communities, and the State must support to reduce the risk of juvenile delinquency.
3. Programmatic concepts that are effective in preventing juvenile delinquency and substance abuse and that should be made available as basic services in the communities, including:
 - a. Early intervention programs and services.
 - b. In-home training and community-based family counseling and parent training.
 - c. Adolescent and family substance abuse prevention services, including alcohol abuse prevention services, and substance abuse education.
 - d. Programs and activities offered before and after school hours.
 - e. Life and social skills training programs.
 - f. Classes or seminars that teach conflict resolution, problem solving, and anger management.
 - g. Services that provide personal advocacy, including mentoring relationships, tutors, or other caring adult programs.

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(c) Prior to the implementation of the Office's plan prescribed in this section, the Office shall report to the State Advisory Council on Juvenile Justice and Delinquency Prevention, as established in G.S. 147-33.56.

(d) The Office shall cooperate with all other affected State agencies and entities in implementing this section.

"Part 6. Juvenile Crime Prevention Councils.

"§ 147- 33.48. Legislative intent.

It is the intent of the General Assembly to prevent juveniles who are at risk from becoming delinquent. The primary intent of this Part is to develop community-based alternatives to training schools and to provide community-based delinquency and substance abuse prevention strategies and programs. Additionally, it is the intent of the General Assembly to provide noninstitutional dispositional alternatives that will protect the community and the juveniles.

These programs and services shall be planned and organized at the community level and developed in partnership with the State. These planning efforts shall include appropriate representation from local government, local public and private agencies serving juveniles and their families, local business leaders, citizens with an interest in youth problems, youth representatives, and others as may be appropriate in a particular community. The planning bodies at the local level shall be the Juvenile Crime Prevention Councils.

"§ 147- 33.49. Creation; method of appointment; membership; chair and vice-chair.

(a) As a prerequisite for a county receiving funding for juvenile court services and delinquency prevention programs, the board of county commissioners shall appoint a Juvenile Crime Prevention Council. The Juvenile Crime Prevention Council shall consist of not more than 25 members and should include, if possible, the following:

- (1) The local school superintendent(s), or that person's designee(s);
- (2) A chief of police in the county;
- (3) The local sheriff, or that person's designee;
- (4) The district attorney, or that person's designee;
- (5) The chief court counselor, or that person's designee;
- (6) The director of the area mental health, developmental disabilities, and substance abuse authority, or that person's designee;

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- (7) The director of the county department of social services, or consolidated human services agency, or that person's designee;
- (8) The county manager, or that person's designee;
- (9) A substance abuse professional;
- (10) A member of the faith community;
- (11) A county commissioner;
- (12) A person under the age of 21;
- (13) A juvenile defense attorney;
- (14) The chief district court judge, or a district court judge designated by the chief district court judge;
- (15) A member of the business community;
- (16) The local health director, or that person's designee;
- (17) A representative from the United Way or other nonprofit agency;
- (18) A representative of a local parks and recreation program; and
- (19) Up to seven members of the public to be appointed by the county board of commissioners.

The county board of commissioners shall modify the Council's membership as necessary to ensure that Council members reflect the racial and socioeconomic diversity of the community and to minimize potential conflicts of interest by members.

(b) Two or more counties may establish a multicounty Juvenile Crime Prevention Council pursuant to subsection (a) of this section. The membership shall be representative of each participating county.

(c) The chair and vice-chair shall be elected annually by the members of the Council.

"§ 147- 33.50. Terms of appointment.

Each member of a Juvenile Crime Prevention Council shall serve for a term of two years. Members may be reappointed. Terms of appointment shall begin January 1, 1999. In order to provide for staggered terms, persons appointed for the positions designated in subdivisions (9), (10), (12), (15), (17), and (18) of G.S. 147-33.49(a) shall be for an initial one-year term and two-year terms thereafter.

"§ 147- 33.51. Vacancies; removal.

Appointments to fill vacancies shall be for the remainder of the former member's term.

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Members shall only be removed for misfeasance, malfeasance, or nonfeasance as determined by the board of county commissioners.

"§ 147- 33.52. Meetings; quorum.

Councils shall meet at least once per month, or more often if a meeting is called by the chair.

A majority of members shall constitute a quorum.

"§ 147- 33.53. Compensation of members.

Members of Juvenile Crime Prevention Councils shall receive no compensation but may receive a per diem in such an amount as may be established by the board of county commissioners.

"§ 147- 33.54. Powers and duties.

(a) The Councils shall annually review the needs of juveniles in the county who are at risk of delinquency or who have been adjudicated undisciplined or delinquent and the resources available to address those needs. The Council shall develop and advertise a request for proposal process and submit a written plan of action for the expenditure of juvenile sanction and prevention funds to the board of county commissioners for its approval. Upon the county's authorization, the plan shall be submitted to the Office for final approval and subsequent implementation.

(b) The Councils shall ensure that appropriate intermediate dispositional options are available and shall prioritize funding for dispositions of intermediate and community level sanctions for court-adjudicated juveniles pursuant to minimum standards adopted by the Office.

✓ (c) The Councils shall perform the following functions on an ongoing basis:

1. Assess the needs of juveniles in the community, evaluate the adequacy of resources available to meet those needs, and develop or propose ways to address unmet needs;
2. Evaluate the performance of juvenile services and programs in the community. The Council shall evaluate each funded program as a condition of continued funding;
3. Increase public awareness of the causes of delinquency and of strategies to reduce the problem;

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4. Develop strategies to intervene and appropriately respond to and treat the needs of juveniles at risk of delinquency through appropriate risk assessment instruments;
5. Provide funds for services for treatment, counseling, or rehabilitation for juveniles and their families, including court-ordered parenting responsibility classes; and
6. Plan for the establishment of a permanent funding stream for delinquency prevention services.

(d) The Councils may examine the benefits of joint program development between counties within the same judicial district.

"§ 147- 33.55. Funding for programs.

(a) The Office shall develop a funding mechanism for programs that meet the standards as developed under the provisions of this Part. The Office shall ensure that the guidelines for the State/local partnership's funding process include the following requirements:

1. Fund effective programs. – The Office shall fund programs that it determines to be effective in preventing delinquency and recidivism. Programs that have proven to be ineffective shall not be funded;
2. Use a formula for the distribution of funds. – A funding formula shall be developed that ensures that even the smallest counties will be able to provide the basic prevention and alternatives services to juveniles in their communities;
3. Allow and encourage local flexibility. – A vital component of the State/local partnership established by this section is local flexibility to determine how best to allocate prevention and alternatives funds; and
4. Combine resources. – Counties shall be allowed and encouraged to combine resources and services.

(b) The Office shall adopt rules to implement this section, and the Office shall provide technical assistance to Juvenile Crime Prevention Councils and shall ensure that the Juvenile Crime Prevention Councils evaluate all State-funded programs and services on an ongoing and regular basis.

"Part 7. State Advisory Council on Juvenile Justice and Delinquency Prevention.

"§ 147- 33.56. Creation of Council; purpose; members; duties.

Juvenile Crime Prevention Councils

(a) **Creation.** -- There is created the State Advisory Council on Juvenile Justice and Delinquency Prevention. The Council shall be located within the Office for organizational, budgetary, and administrative purposes.

(b) **Purpose.** -- The purpose of the Council is to review and advise the Office in the development of a comprehensive interagency plan to reduce juvenile delinquency and substance abuse and to coordinate efforts among State agencies providing services and supervision to juveniles who are at risk of delinquency and for juveniles who have been adjudicated of delinquent and undisciplined behavior.

(c) **Membership.** -- The Council shall consist of 19 members as follows:

1. Five persons appointed by the Governor, one of whom is a private citizen who has demonstrated an interest in and commitment to juvenile justice issues.
2. Four persons appointed by the Chief Justice of the Supreme Court.
3. The following persons, or their designees, ex officio:
 - a. The Governor.
 - b. The Chief Justice of the Supreme Court.
 - c. The President Pro Tempore of the Senate.
 - d. The Speaker of the House of Representatives.
 - e. The Director of the Administrative Office of the Courts.
 - f. The Superintendent of Public Instruction.
 - g. The Secretary of the Department of Administration.
 - h. The Secretary of the Department of Health and Human Services.
 - i. The Secretary of the Department of Correction.
 - j. The Secretary of the Department of Crime Control and Public Safety.

(d) **Terms.** -- Members, other than ex officio members, shall serve for two-year terms, beginning January 1, 1999, with no prohibition against being reappointed, except initial appointments shall be for terms as follows:

- (1) The Governor shall initially appoint three members for terms of two years and two members for terms of three years.
- (2) The Chief Justice of the Supreme Court shall initially appoint two members for terms of two years and two members for terms of three years.

(e) **Chair.** -- The Governor and Chief Justice of the Supreme Court shall serve as cochairs of the Council.

- Juvenile Crime Prevention Councils

(f) Vacancies. -- A vacancy on the Council resulting from the resignation of a member or otherwise shall be filled in the same manner in which the original appointment was made, and the term shall be for the balance of the unexpired term.

(g) Compensation. -- The Council members shall receive no salary as a result of serving on the Council but shall receive per diem, subsistence, and travel expenses in accordance with the provisions of G.S. 120-3.1, 138-5, and 138-6, as applicable.

(h) Removal. -- Members may be removed in accordance with G.S. 143B-13 as if that section applied to this Article.

(i) Meetings. -- The chair shall convene the Council. Meetings shall be held as often as necessary but not less than four times a year.

(j) Quorum. -- A majority of the members of the Council shall constitute a quorum for the transaction of business. The affirmative vote of a majority of the members present at meetings of the Council shall be necessary for action to be taken by the council.

"§ 147- 33.57. Powers and duties of the Council.

The Council shall have the following powers and duties:

(1) Advise the Office in the review of the State's juvenile justice planning, the development of the community juvenile justice councils, and the development of a formula for the distribution of funds to Juvenile Crime Prevention Councils.

(2) Advise all State agencies serving juveniles for the purpose of developing a consistent philosophy with regard to providing services to juveniles and promoting collaboration and the efficient and effective delivery of services to juveniles and families through State, local, and district programs and fully address problems of collaboration across State agencies with the goal of serving juveniles.

(3) Review and comment on juvenile justice, delinquency prevention, and juvenile services grant applications prepared for submission under any federal grant program by any governmental entity of the State.

(4) Review the juvenile justice system's operation and prioritization of funding needs.

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- (5) Review the progress and accomplishment of State and local juvenile justice, delinquency prevention, and juvenile services projects.
- (6) Develop recommendations concerning the establishment of priorities and needed improvements with respect to juvenile justice, delinquency prevention, and juvenile services and report its recommendations to the General Assembly on or before March 1 each year, beginning in the year 2000.
- (7) Review and comment on the proposed budget for the Office."

APPLICATION OF DISPOSITION GRID TO JUVENILE CASE SCENARIOS

I. DETERMINING GRID CELL CATEGORY

	Low	Medium	High
Violent A-E felonies	Level 2 or 3	Level 3	Level 3
Serious F-J felonies and A1 misdemeanors	Level 1 or 2	Level 2	Level 2 or 3
Minor Class 1, 2, 3 misdemeanors	Level 1	Level 1 or 2	Level 2

- 1st: Determine seriousness of offense.
- 2nd: Determine delinquency history level:
- a) Determine number of prior adjudications, if any.
 - b) For each prior adjudication assign points:
 - A-E felony offense = 4 points
 - F-I felony offense = 2 points
 - A1 misdemeanor offense = 2 points
 - Class 1, 2, or 3 misdemeanor = 1 point
 - c) If the offense was committed while on probation = 2 points
 - d) Use total number of points to determine delinquency history level:
 - Low = 0 points
 - Medium = 1-3 points
 - High = 4 or more points
- 3rd: Match offense with history level.

II. DISPOSITION

LEVEL 1 COMMUNITY	LEVEL 2 INTERMEDIATE	LEVEL 3 COMMITMENT
Community-Based Program		Commitment to Training School:
Victim-offender reconciliation program	Structured Day Program	6 months minimum commitment for all offenders
Fine	Eckerd Wilderness Camp	Mandatory Post-Release Supervision (minimum 90 days)
Community Service (up to 100 hours)	Community Service (100-200 hours)	
Restitution (up to \$500)	Restitution (more than \$500)	
Suspension of driver's license (notification to DMV)	Regimented Training Program	
Curfew	Intensive Supervision Probation	
Counseling	House Arrest with or without Electronic Monitoring	
Vocational or Educational Program	Multi-purpose Group Home	
Regular Probation	Residential placement in a treatment facility or group home	
Residential placement with a relative or a group home	Placement in an intensive nonresidential treatment program or intensive substance abuse program	
Intermittent Confinement up to 5 days during period of probation	Short-Term Secure Confinement (up to 14 days during probation period)	

Major issues contained in the Juvenile Justice Reform Act.

I: Juvenile Code: A new subchapter which addresses only delinquency and undisciplined

1. Intake - use of diversion agreements; follow-up; can refer petition to court.
2. Undisciplined youth: Raise jurisdiction to 18. Contempt of court can result in detention.
3. Time limits: First appearances. If juvenile not in custody, within 10 days of petition filed. Probable cause within 15 days of first appearance.
4. Parental Accountability - participation in a juvenile's contact with the juvenile justice system including attending hearings, providing transportation to appointments; payment of court costs, attorney fees and supervision or detention fees.
5. Law enforcement: fingerprint and photograph: juveniles charged with felonies.
6. Transfer hearings: 5 day notice must be given.
7. Expungement of records: Not until a juvenile's 18th birthday or at least 18 months after court terminates jurisdiction. Records can be used in adult system for bond, plea purposes.
8. Juveniles adjudicated of A-E felonies: can be held in T.S. up to 19 years.
9. Post-release supervision: 3 months to one year.
10. Additional probation requirements.
11. New appeal procedure

II: New agency structure

1. State Oversight Board: Policy, evaluation, prevention
2. Youth Services Advisory Councils - strengthened and renamed "Juvenile Crime Prevention Councils."
3. Unified agency: cabinet-level, or within another existing department

III: Prevention

1. Study of over-representation of minorities
2. Develop comprehensive prevention plan
3. Study alternative schools and extended school day

IV: Funding - \$19 million dollars new money

100 new court counselors
Additional training school (200) and detention beds (108)
\$6 million to increase community based programs
Day reporting centers
Regimented training program (GRASP)
Substance abuse treatment
Information system

JUVENILE CRIME PREVENTION COUNCILS

147-33.48 **Legislative intent.**

The General Assembly intends to prevent at-risk juveniles from delinquency. Primary intent is to develop community-based delinquency alternatives to training schools and to provide community based delinquency and substance abuse prevention strategies and programs. Also it is the intent of the General Assembly to provide noninstitutional dispositional alternatives that will protect the community and the juveniles. Programs shall be planned and organized at the community level and developed in partnership with the state.

147-33.49 **Creation; method of appointment; membership; chair and vice-chair.**

(a) A prerequisite for a county to receive funding shall be that county commissioners must appoint a Juvenile Crime Prevention Council, which is composed of up to 25 members and should include, if possible:

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|--|--|
| (1) local school superintendent or designee | (11) county commissioner |
| (2) chief of police | (12) person under 21 |
| (3) local sheriff | (13) juvenile defense attorney |
| (4) district attorney or designee | (14) chief district court judge
(or designee judge) |
| (5) chief court counselor, or designee | (15) member of business |
| (6) director of mental health, or designee | (16) health director - designee |
| (7) director of social services, or designee | (17) United Way or nonprofit |
| (8) county manager or designee | (18) parks and rec rep. |
| (9) substance abuse professional | (19) up to 7 members |
| (10) member of faith community | |

appointed by cty. com.

(b) Two or more counties may establish a multi county Council

(c) Chair and vice chair shall be elected annually by council members.

147-33.50 **Terms of appointment.** Two years.

147-33.51 **Vacancies; removal.** County commissioners may reappoint.

147-33.52 **Meetings; quorum.** At least once per month. Majority of members is quorum.

147-33.53 **Compensation of members.** No compensation but may receive per diem.

147-33.54 **Powers and duties.**

(a) Annual review the needs of juveniles in the county who are at-risk or who have been adjudicated. Council shall develop a request for proposal process and submit to the County Commissioners a written plan of expenditures. Upon the County's authorization, the plan must be approved by the Office.

(b) Councils must ensure that appropriate community based intermediate dispositions for adjudicated juveniles are available, pursuant to minimum standards set by the Office.

(c) Councils must perform on ongoing basis:

- 1) Assess needs of juveniles in community, evaluate resources, plan for unmet needs.



**STATE OF NORTH CAROLINA
OFFICE OF THE GOVERNOR
RALEIGH 27603-8001**

**JAMES B. HUNT JR.
GOVERNOR**

November 19, 1998

Dear County Manager:

On October 28, I signed the Juvenile Justice Reform Act into law to fight juvenile crime with tougher punishment, stepped-up prevention efforts and a more efficient juvenile justice system.

This new law sets up a system of graduated sanctions, reserving training school beds for the most violent offenders; targets first-time offenders with more sanctions and treatment; holds parents accountable for their children's actions; allows law enforcement and the courts more access to juvenile records and creates a single Office of Juvenile Justice within the Governor's Office.

But the long term success of this reform depends on the commitment, energy and enthusiasm of North Carolinians at the local level. We've learned with Smart Start what can happen when the right local leaders come together to focus on their community's children. This law sets up local Juvenile Crime Prevention Councils as the backbone for this effort with an additional \$5.3 million in new money for local programs.

Every county will be required to form a Juvenile Crime Prevention Council -- which should build on and replace your existing CBA Youth Service Advisory Council. These Crime Prevention Councils will assess needs, fund community-based alternatives for troubled youth who enter the courts, and support prevention programs. The new law also requires certain representatives be appointed, and gives County Commissioners discretion to name the others. This membership might mirror your existing CBA board, or combine it with the membership of another local board. We want you to decide what works best in your community.

We have been working closely with staff at the Association of County Commissioners to make sure your county receives training and technical assistance during this transition. In early December, my staff will review these changes at the regional training sessions around the state for new County Commissioners.



County Manager
November 19, 1998
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Attached is a handout with more information about the changes in the law that impact you. If you have any questions, please contact Mack Jarvis -- my former Secretary for the Department of Correction, who will be leading our transition efforts -- at (919) 733-3011. I look forward to working with you on this very important effort that affects all of us now and all of our children for years to come.

My warmest personal regards.

Sincerely,

A handwritten signature in black ink, appearing to read "Jim Hunt", with a large, stylized initial "J" and "H".

James B. Hunt Jr.

JBH:gbh

Enclosure

cc: County Commissioner, Chair
County Fiscal Officer
Youth Service Advisory Council, Chair