



2020 Year End Review

With the tremulous year of 2020 ending, The Office of the Juvenile Defender (OJD) would like to recap how the year unfolded through it all. We'll review how OJD hired a new Assistant Juvenile Defender, hosted new trainings, managed the first year of Raise the Age (RTA), and produced several materials as required for the second year of the federal OJJDP grant. OJD has worked throughout the year to keep our defenders informed and supported, while working on new ways to serve the state, such as our Regionalization plan.

Activities and Initiatives Since COVID-19

Since the beginning of the pandemic, OJD has held weekly check-ins to speak about current projects, ways to engage in the community without physical contact, and how to support defenders in the best way through the various projects listed in this report. OJD has been reaching out to defenders in the field, offering support and resources and gathering information to relay to the defender community. Additionally, we have communicated with other court actors, especially juvenile justice administration, to stay updated with ongoing changes in policies and procedures. We began work on additional pocket guides like the RTA guide released in December. Each guide will highlight a specific area of juvenile delinquency law and provide defender strategies, such as secure custody and adjudication. We also began developing remote training capabilities and plan to pilot trainings during the court closure. Each one of these activities and initiatives will be discussed further below along with updates from the initiatives from 2019.

Raise the Age

While RTA implementation has been slowed by the impact of COVID on the courts, OJD has been steadily reacting to the impact of the new law:

- General consulting on trial and appellate issues
- Focusing on specific issues, including indictment procedure and the intersection of bonds with youth in detention
- Challenging the “automatic” transfer provisions through motions practice
- Working with IDS General Counsel on the development of a comprehensive chart on the appointment/payment/recoupment of attorneys representing transferred juveniles

- Participation on the Juvenile Jurisdiction Advisory Committee, with a focus on discussing ongoing conforming changes to the law, as well as the minimum age of juvenile jurisdiction in NC (it is currently 6, the lowest stated age in the U.S.)

North Carolina Juvenile Defender State Enhancement Grant

Austine has continued to assess juvenile courts throughout the state, which includes documenting and evaluating the court appointment process for juvenile defenders in the counties by speaking with attorneys, judges and clerks. For the training requirements, OJD sponsored the Juvenile Defender Enhancement Training and targeted local trainings, which were also recorded and available for viewing if needed. Also as part of the federal grant and in approximately half of the counties in the state, Austine has also identified the attorneys currently representing youth in delinquency cases.

OJD has also generated 4 new Quick Guides covering Capacity, Secure Custody, Transfers, and Probation & Post-Supervision. These quick guides are being mailed to defenders (both PAC and PDs) throughout the state to have a resource readily available during court and consultations.

Through the grant, OJD was able to provide two law school students internships within the office from the NCCU School of Law. These interns worked with OJD this summer to develop the webinar series, research content for the quick guides and provide research for other projects. OJD collaborated with the NCCU School of Law Virtual Justice Project, to produce a two-part webinar series focused on the mental health and other impacts of the pandemic on youth and the professionals who interact with them.

Additionally, the Juvenile Contracts Specialist Angela Henderson has been instrumental in the development and launch of the juvenile contracts database, negotiation and extension of all juvenile defense contracts, and responding to RTA and COVID-related issues. She provided training webinars for attorneys on the new database and continues to provide technical assistance to juvenile contractors.



We also plan to continue the development and update of the quick guides. A focus will also be placed on attorneys new to juvenile delinquency, including accurately identifying new juvenile defenders and providing orientation materials and training opportunities.

Training

With funding provided by the OJJDP grant, OJD hosted a free Juvenile Defender Enhancement Training in February. It included a full day of training on topics such as Addressing Trauma in Adolescents, Raise the Age, Transfer Hearings, Collateral Consequences and Interviewing and Counseling Youth. Attendees received a USB drive of training materials and included sample motions and supporting documents. Two in person trainings scheduled for late March were cancelled due to Covid-19, in early March, OJD staff assisted in the planning and presented at the 2-Day Intensive Juvenile Defender Conference held at the UNC School of Government.

In addition to the topics discussed above in-person, the webinar training topics included juvenile delinquency basic overview, probation and post release supervision, education advocacy and virtual conference secure custody hearings. Grant funds were used to cover the costs of CLE for juvenile defenders to attend the trainings. In total, OJD hosted three in person trainings and seven webinars. As unexpected as this year has been, OJD utilized an office of amazing minds and creativity to continue providing support and training to our defenders with everything we had at our disposal and are grateful for the attendance in the live webinars.

Resources

OJD continued to update the OJD website with resources for defenders that are passed through the state and other juvenile justice organizations. To supplement the OJD website, information on various trainings and webinars hosted by national organizations were shared on all OJD social media platforms. In doing so, this provided an array of audiences with information that can be used within their defense. The grant-funded quick guides were another resource for defenders and have provided practical information in a concise way when needed. LaTobia also started the "From a Lawyer's View" blog post series where guest bloggers discuss topics within the juvenile defense community but through their view. These blogs may include views on particular topics, case summaries or practical advice defenders need should they ever come into a situation. She is accepting new blog requests as well.

Uniform Indigent Appointment Plan

OJD has worked with IDS, public defenders, and local boards of indigent defense to help revise local rules of indigent appointment to comply with the Uniform Indigent Appointment Plan which will become effective January 2021.

Contracts

OJD entered into new contracts with three attorneys in Wayne County to cover delinquency cases. Additionally, OJD worked closely with current contractors to amend contracts to adjust to caseloads impacted by Raise the Age.

New Staff

Prior to the start of the pandemic, as part of the Raise the Age “mini budget,” OJD received funds to hire a new Assistant Juvenile Defender. After many qualified candidates were vetted and interviewed, OJD selected Terri Johnson, an attorney with over 15 years of experience (including juvenile delinquency) and a juvenile defense contractor since 2007. Terri started work on March 16 and assisted in providing training and technical support to the western part of the state, contributing to the OJD blog as well as helping to create motions and reference material for defenders.

Regionalization:

Assistant Juvenile Defender Terri Johnson began work with OJD in March, and our office has begun the process of providing services and support on a regional basis through the following:

- Introducing Terri to PAC, public defenders and contractors in the western area of the state
- directing consultation inquiries to the OJD attorney in the region of the request
- The creation of virtual regional forums, bringing together defenders from a judicial district to introduce OJD’s regional plan and hear from defenders on their unique challenges and needs
- OJD presented briefly at the Chief District Court Judge’s Conference regarding the development of our regional model

Racial Justice:

OJD has been active in recent discussions regarding racial disparities in the criminal justice and juvenile justice systems. LaTobia Avent, our Communications and Office Manager, drafted a statement in response to recent events. She and Juvenile Defender Eric Zogry have been participating in numerous discussions with the Governor’s Task Force on Race and Ethnicity, the NC Commission on Racial and Ethnic Disparities, and the Division of Juvenile Justice.

New Initiatives

OJD had no choice but to leverage technology to continue providing trainings and connection with defenders across the state due to the Covid-19 pandemic. As mentioned, in-person trainings moved to WebEx and OJD worked hard to make sure topics were fresh and invigorating to battle the fatigue of doing so many things virtually, including many court hearings. While this may continue into the first part of 2021, OJD keeps the defenders in mind and will continue to introduce new and interesting topics for training and discussion.

Through OJD’s social media platforms, LaTobia continuously works to reach out to the North Carolina defender community through quirky messages, insightful information and great graphics. She assisted in sharing CLE courses not only sponsored by OJD but also by the SJDC but also the School of Government and various other juvenile justice organizations. By keeping a steady reach with social

media, LaTobia has been able to increase social media engagement and participation since the start of the year.

Direct Representation

Assistant juvenile defenders Kim Howes and Terri Johnson continue to represent clients in Wake County and Iredell/Alexander Counties, responding to their court's adjustments to the pandemic. Their presence in the court room allows for observation of juvenile defense practices, as well as being a source of information and support for public defenders, contractors, and privately appointed counsel. This helps them guide OJD with vital information to stay on top of issues evolving within the juvenile court system while giving a firsthand account of the necessary changes to improve juvenile court.

Moving Forward

Knowing that a vast majority of the attorneys who practice juvenile defense represent few clients annually, OJD believes we should tailor some of our resources accordingly. Our series of quick guides have been well-received, so we may adjust current offerings or create new ones for easy access. For example, OJD is considering and will explore shorter (15 minute) web-based trainings on specific topics that can be viewed at any time on any device. To guide and participate in further conversation within the defense community, OJD plans to create and develop a series of short podcasts to discuss cutting-edge issues.