
The State of Things:
Youth Development Center
("YDC") Project Report

Office of the Juvenile Defender
2009 Juvenile Defender Conference
August 21, 2009

2008 YDC Project Report: Purpose

■ Project Goals

- To review court files and determine if there were errors resulting in defective commitments;
- To identify reasons for defective commitments that were found;
- To develop an understanding of practices and training needs for juvenile justice system actors and to improve current training;
- To cure defective commitments, if possible; and
- To determine the need for ongoing review of commitment cases, and issues relating to post-disposition representation

2008 YDC Project Report: Methodology

Selected participating districts

DISTRICTS/COUNTIES REVIEWED BY OJD & NUMBER OF 2007 COMMITMENTS			
DISTRICT	COUNT(IES)	TYPE OF REPRESENTATION	2007 YDC COMMITMENTS
5	New Hanover	PAC	15
7	Nash, Edgecombe, Wilson	PAC	15
10	Wake	PD, PAC	14
12	Cumberland	PAC	46
14	Durham	Legal Clinics, PD, PAC	19
16B	Robeson	PD, PAC	4
19C	Rowan	PAC	13
26	Mecklenburg	K, PAC	47
28	Buncombe	PD, PAC	2
TOTAL			175
LEGEND	PAC - Private Assigned Counsel; PD - Public Defender; K - Contract		
Type of representation reflects legal representation in 2007, which may have since changed.			

2008 YDC Project Report: Methodology

- Contacted interested parties
 - Chief District Court Judges
 - Temporary Administrative Order
 - Department of Juvenile Justice and Delinquency Prevention
 - District Attorneys

2008 YDC Project Report: Methodology

■ Phase 1: Review Phase

■ Reviewed files for error

- Error → A mistake in the file that could possibly have had an impact on the legality of the commitment or the maximum term of commitment
 - Actionable Error
 - Negligible Error
 - Potentially Actionable Error

2008 YDC Project Report: Methodology

- Phase 2: Investigation Phase
 - Contacted Juvenile
 - Consulted Trial Counsel
 - Classified Potentially Actionable Errors

2008 YDC Project Report: Key Findings

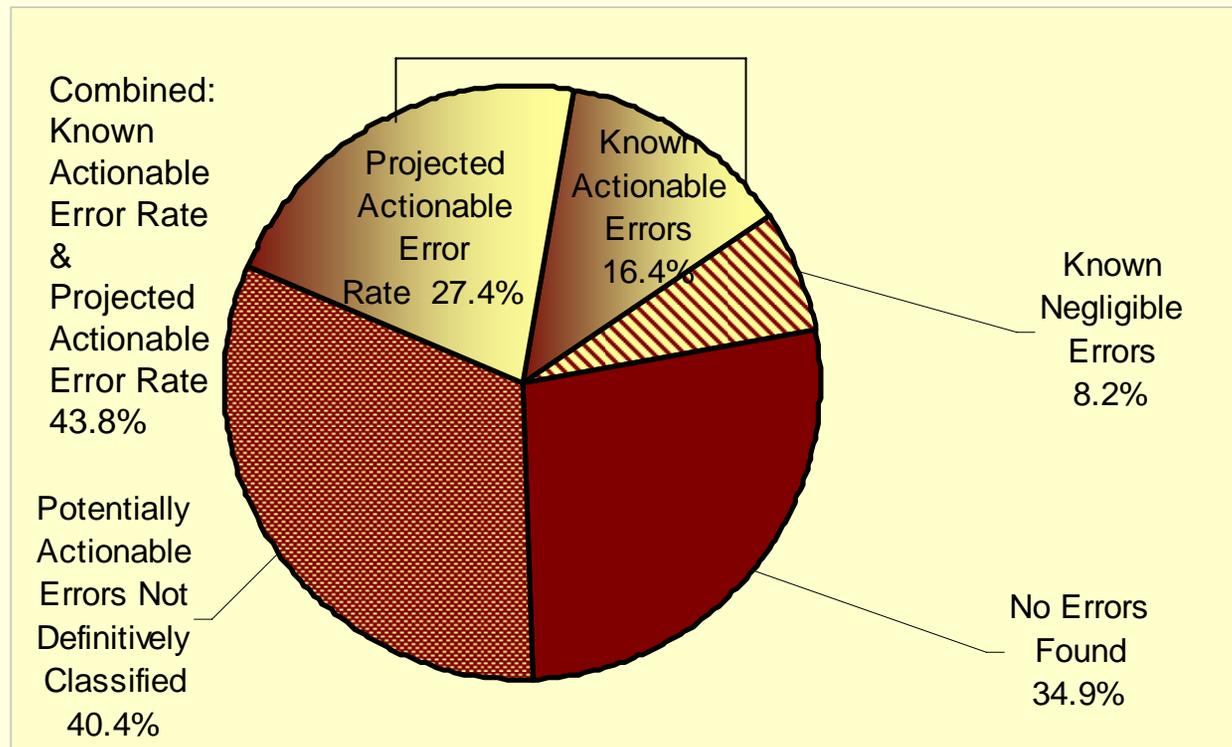
Phase 1 and 2 Results: Combined

	Number	Percentage
Files with Actionable Errors	24	16.4%
Files with Negligible Errors	12	8.2%
Files without Errors	51	34.9%
Files with Potentially Actionable Errors	59	40.4%
TOTAL	146*	100%

*Note: Although there were 147 files reviewed during the Project, 1 file was not included in the analysis due to critical missing information.

2008 YDC Project Report: Key Findings

Phase 1 and 2 Results Combined: Projected Actionable Error Rate



2008 YDC Project Report: Key Findings

Curing Defective Commitments

Files with Actionable Errors	
Ambiguity of maximum term of commitment clarified by DJJDP or trial counsel	12
Jurisdiction ended	6
Maximum term of commitment corrected by the court	5
Error could not be corrected by further legal action	1
TOTAL	24

2008 YDC Project Report: Key Findings

- Most Frequent Errors
 - Incorrect or Unknown Legal Basis for Commitment
 - Incorrect Disposition Level Option
 - Critical Missing Information

2008 YDC Project Report: Key Findings

■ Court Practices

- Multiple Disposition Orders
- Local Forms
- Orders Entered Without Notice
- Incorrect Disposition Level Options

2008 YDC Project Report: Key Findings

- Defense Counsel Practices
 - Receiving Court Orders and Commitment Orders
 - Contesting Allegations
 - Appealing Commitments
 - Requesting Credit for Time Served
 - Establishing Extraordinary Circumstances

2008 YDC Project Report: Initiatives

- Distribution of Report
 - Participating Districts
 - Districts Invited to Participate in 2009 Voluntary Review of Commitments
 - State Juvenile Justice System Stakeholders
 - Regional and National Juvenile Justice Stakeholders

2008 YDC Project Report: Initiatives

- 2009 Voluntary Review of Commitments
 - Eight Participating Counties (Two Pending)
(Via Temporary Administrative Order)
 - Purpose:
 - Identify and Remedy Defective Commitments
 - Gather Data
 - Forecast and Prepare for Permanent Mandatory Review Procedure

2008 YDC Project Report: Initiatives

- Youth Development Center Work Group
 - Legislation Review/Reform
 - Admissions
 - Delinquency History Levels
 - Dispositional Limits
 - Probation
 - Post-Release Supervision

2008 YDC Project Report: Initiatives

- Youth Development Center Work Group
 - AOC Form Review
 - Motion For Review
 - Juvenile Level 1 and 2 Disposition Order
 - Motion For Review Forms
 - Worksheet Delinquency History
Points/Level For Level 1, Level 2, And
Level 3 Dispositions

2008 YDC Project Report: Initiatives

- Youth Development Center Work Group
 - Access to Counsel
 - Post-Disposition Representation
 - What are the legal issues in which representation should be provided?
 - Who provides representation?
 - What laws must be amended?
 - How much will representation cost?

2008 YDC Project Report: Initiatives

■ Training

- Use AOC Forms
- Receive Orders By All Parties
- Review Court Record Prior To Hearings/Pleas
- Clarify Court Order If Unclear
- Object To Any Errors During Hearings
- Review Court Order
- Motion Court For Timely Review Of Errors
- Contest Allegations
- Request Credit For Time Served