Criminal Investigation & Adjudication Committee Minutes

Date: October 20, 2016
Time: 8:30 a.m. – 3:30 p.m.
Location: N.C. Judicial Center, 901 Corporate Center Dr., Raleigh, N.C.

Attendees

Committee Members: Augustus A. Adams, Sheriff Asa Buck III, Randy Byrd, James E. Coleman, Jr., Kearns Davis, Judge Paul A. Holcombe III, Sheriff L. David Huffman, Darrin Jordan, Robert C. Kemp III, Sharon S. McLaurin, R. Andrew Murray, Jr., Diann Seigle, Judge Anna Mills Wagoner, Judge William A. Webb
Presenters: Laurence Steinberg (by video)
Reporters: Jessica Smith
Guests: Cristina Becker, Donny Bradley, Phillip Bradshaw, Susan Brooks, Tarrah Callahan, Randy Cauthen, Ballard Everett, Whitney Fairbanks, Janet O. Hammond, L.D. Hammond, Dani Jacobs, Tom Maher, Kristin Parks, Emily Portner, LaToya Powell, Will Robinson, Lao Rubert, Danielle Seale, Kurt Stephenson, Sharona Stokes, Chad Taylor, Rob Wall, Ricky Watson, Jordan Willem, Jon Williams
Minutes prepared by: AOC Staff

Administrative Matters

A motion was made and approved to adopt the minutes from the September 15th committee meeting, as drafted and distributed.

Chair Webb described the agenda. He noted that the morning is devoted to pretrial justice reform. He also reminded the committee that approval of the Indigent Defense report is on the agenda.

During the morning in lieu of presentations a group of panelists will discuss what would constitute an effective pretrial system. Chair Webb suggested that money bail would be a part of such a system.

If time permits then the audience comments will be taken, including comments from the North Carolina Bail Agents Association on the topic of money bail and pretrial justice reform.

Panel Discussions

Committee Panel Discussion: Pretrial Justice Reform and Pretrial Release Reform
Moderator: Chair Webb

Andrew Murray described the history of a pretrial assessment tool use in Mecklenburg County. In 2011 the county launched a tool that relied heavily on interviewing defendants and that became contentious with the local bar. The county revised the tool utilizing technical assistance from the Arnold Foundation. The foundation's data showed a significant detriment to lower-level defendants when they are kept in jail. Detention can negatively impact employment, families, and increase rates of recidivism. The Arnold Foundation model takes about 15 minutes and looks at prior record, violent crimes, failures to appear in preceding two years and before, and an equation determines placement on a scale for the judges' review. The county is currently looking at ways to use the tool with magistrates. Judges don't always follow the scale, but it gives them a tool with empirical data about the defendant's likelihood of failure to appear and committing another crime. Judges weigh the information before them which includes the scale and details from the defense attorney and prosecutor. The judge then uses discretion to make a determination. Mr. Murray noted that each area of the scale has some risk of reoffending. He also commented that the tool is not perfect and pointed out that the tool looks at the number of failures to appear in the last two years, but it doesn't take into account that it might be connected to detention. The county has now used the tool for approximately three years, and they are about to do a validation study. In Mecklenburg County, jail ranks have decreased by 18% without noticeable increase in crime. A county satellite jail has been repurposed for juveniles and cooking. Mr. Murray also noted that the Mecklenburg County Chief Public Defender is arguing that money bond is unconstitutional.

Judge Wagoner commented that it is her belief that the committee's purpose is not to eliminate money bail, but she would like to see ways the jail population can be reduced. She noted her concern that many people can't make bond and defendants end up spending more time in jail than they might have if they pled guilty. Judge Wagoner provided an example of the use of administrative court in Randolph County regarding violations of pretrial release. She thought it is working well, and she was surprised that not many defendants violate. It is a tool and bond agents are a tremendous asset to track down really bad defendants.

Judge Webb noted that the U.S. Congress decided to look at the Bail Act around 1984. The starting point for the legislation is that a person shall be released unless an appropriate level of evidence is met determining a defendant's flight risk or propensity to be a danger to the community. The ruling may be appealed to a higher court. He said that about 80% of people before him as a federal magistrate judge got bond because they were often facing many years in prison. As a result, there was an inherent risk of flight. In his role, he made an individualized determination in each case. He hopes that we tell the legislature to provide instruction on a

hierarchy of factors for determining pretrial release options. In his work he liked pretrial services, but he noted that it might be difficult to implement in large districts due to their limited ability to perform needed investigations. In his experience, pretrial services helped make sure defendants knew court dates and stayed out of trouble. He also thought it might be helpful to have legislation that money bail comes with conditions such as drug tests, phone checks, electronic monitoring, etc. His group used electronic monitoring paid by the defendant. Judge Webb would like to focus on methods that would minimize the need for tracking down dangerous defendants. Judge Webb also noted that under federal law if someone came in with bail then the prosecutor has the right to have a hearing to determine the source of the money. This was helpful in situations when a defendant had funds to make bail due to criminal activity.

Jim Coleman spoke about the importance of using an evidence-based solution to the problem. He commented about his experience with a committee that provided a forum for evidence-based discussions on issues of racial disparity in criminal justice. That group's focus was to understand the cause of the disparity. Pretrial detention was examined because racial disparity can occur. He noted that protecting the public and ensuring defendants show up for court is the underlying reason provided for money bail. His impression is that monetary bonds may make a person show up, but it doesn't deal with community protection. He commented that if a really bad defendant has money then monetary bond doesn't keep him in jail. He also discussed the unintended consequences of money bail for poor people who can't even pay modest amounts to get out. He thinks the committee should look at the Mecklenburg County tool and assessment tools more broadly. He noted that overloading bond conditions can also have negative outcomes. He recommended that any tool could be modified as we have experience with it. He hopes that pursuing an alternative method for pretrial services would minimize unintended consequences for detention while protecting the public and ensuring a defendant's appearance.

Judge Webb summarized and referenced the Pretrial Justice Institute (PJI) report titled, "Upgrading North Carolina's Bail System", a response provided by the North Carolina Bail Agents Association, and a snapshot of detention populations by Emily Portner. He also pointed out that PJI was paid through a contract, and it could have been free if the committee agreed to work toward the elimination of money bail. The committee did not think that elimination of money bail was an appropriate starting position.

There was some brief discussion about how electronic monitoring is administered, the frequency of use, and how fees are collected. Judge Webb commented that he doesn't think county costs should be a consideration for who is detained in jail. The primary consideration should be keeping the community safe, preventing failures to appear, and that low level defendants don't suffer the unintended consequences of detention. There is a need to determine an honest way to keep the most violent criminals in jail.

There was discussion about the possibility of a defendant getting released and committing a horrific crime. It was pointed out that a pretrial risk assessment would help us learn more

about defendants and the risks they present. It could be used as a learning device for what might have been missed during the process.

Dick Adams commented that he believes the general public doesn't understand the role that committee members play in public safety. Instead, he thinks the public will be more interested in learning who will pay for changes to pretrial services.

Sheriff Buck noted his impression that many things being discussed are currently done informally in many jurisdictions now. He would like a more formal process to ensure everybody is treated fairly and equally.

Bert Kemp commented that from a defense attorney's perspective the most important thing that defendants want is to get out of a jail. He noted his impression is that bonds have increased over time and they are set high. He also commented that electronic monitoring is a wonderful tool and the sheriff in his area would say it is cheaper than jail. Most defendants accept electronic monitoring. In his experience there are guidelines that provide ranges for magistrates to set bond, but magistrates can go outside of the range if they provide reasons. He has also found that judges often don't make changes to the bond that has been set. He supports money bail, but he believes money bail needs to be held accountable as well. He provided an example about his difficulty getting a bondsmen to take a $500 secured bond, and therefore, he has to ask for higher bonds that the bondsmen would be willing to write. Alternatively, Sheriff Buck commented that he hears bonds are set low in some counties.

Sharon McLaurin offered the perspective of a magistrate. She noted that the legislature has placed certain conditions on bond which takes discretion out of the magistrate's hands in some instances. She mentioned that her county has a sheet that is used as a tool for judges. It lets them know what magistrates saw when presented with defendants who were charged with felonies and certain misdemeanors. The magistrate is able to extract information from NCAWARE and ACIS, note officer comments about the arrest, and magistrate comments about defendant's behavior. The judge can then take this information into account when determining whether bond should be changed. This has been in practice for at least 23 years in her county, but she doesn't believe similar tools are available in all jurisdictions.

Philip Bradshaw, a bail bondsman in Rowan County, has more than 20 years of experience in the field. He asked Andrew Murray about his county's success rate. Mr. Murray noted that he didn't have all the data with him today, but learned in a recent briefing that only 2% of defendants who participated in his county's pretrial release program failed to appear during the life of the defendant's case. Mr. Bradshaw asked how many people participated and Mr. Murray didn't have the numbers today. Mr. Murray did note that the program has five staff supervising a large number of people, and he doesn't oppose the use of bail bondsmen. Mr. Bradshaw commented that nobody can predict what another person will do. He believes that bail bonding provides accountability because the bondsman is held monetarily responsible to find the person. He also noted that all counties don't keep data about failures to appear. He also commented that he has over 1,000 captures, worked in 27 states, and pays off less than 1%

of 1,500-2,000 bonds annually. He provided an example of a person he traveled to Minnesota to capture and there are hundreds more examples to offer. He believes that victims don't want their taxes paying for a pretrial release program. He offered an example of a 19 year old youth who was jailed on drug charges in Louisiana. The pretrial risk assessment tool indicated that the defendant was a 3 on a 24 point scale. He was released and then he and his brother shot 20 people. He suggested that the perspective of the school board, victims' rights groups, and other district attorneys should be heard. He asked the committee to please consider what bondsmen do for the system.

Questioning from Commission Chief Reporter Jon Williams revealed that the speakers pay off rate of less than 1% is not comparable to Mecklenburg's pretrial services statistics. Williams noted that once a failure to appear occurs, the bondsman has a period of time during which he or she can secure the defendant and avoiding having to pay the bond. But in these circumstances the failure to appear has occurred and, from the court system's perspective, vast resources have been wasted (e.g., jurors and witnesses have reported to court; the parties have prepared for trial). They more important data point for the court system, he asserted, is whether a failure to appear ever occurs.

Randy Cauthen worked in law enforcement for 30 years and has worked as a bail bondsmen for 17 years. He is now the president of the association representing the industry. He reminded the committee that when someone fails to appear when bail bondsmen are involved then the onus is on the bondsmen. In a pretrial services system, the burden shifts to law enforcement for failures to appear. He understands that $1.8 million went to school boards through bond forfeitures last year. He is astonished by Mecklenburg County's results which show only 2% of defendants failed to appear. He commented if that could be replicated then the whole state should implement such a system. However, he doesn't think that the Mecklenburg County numbers are correct. He encouraged the committee to recommend a plan where money bond plays a role and bail bondsmen are used.

Sharona Stokes noted the passion of her colleagues, and she believes it results in part because they are financially bound. She mentioned that approximately 1,700 bondsmen work in North Carolina, and there are less than 100 professionals. She has other means to support herself and feels that she is an unbiased and informed speaker. She reiterated that public safety and a defendant's appearance in court are the two most important criteria for making decisions. She noted costs associated with re-arresting defendants. The costs include things such as time of deputy clerks, law enforcement, and forfeiture costs, but in the case of bail bondsmen the taxpayers don't bear costs. She believes there has been a breakdown in educating people about the role of bail bonds. She notes that bail bondsmen can be more widely used as a tool and provided an example of how law enforcement officers call her to pick up defendants. That allows the law enforcement agency to focus on other matters. Ms. Stokes noted that it should be considered who will hold pretrial release coordinators accountable. A pretrial release service is a more expensive option than a robocall service. She noted that if someone is that low-risk then computer programs can provide reminders to defendants and money bonds are not needed. She encouraged the committee to review the previous studies and relationships of

PJI. She believes they show bias and financial connections. She suggested that a pretrial release program might have a place in a metropolitan area, if used with a waiting period, accountability, and a clear unbiased way to accumulate data. She also noted that a detention facility is still staffed and insured even when less people are in the jail.

There was discussion about what consideration could be given to individuals who can't even pay a $10,000 secured bond. Ms. Stokes suggested that in her opinion there should be differences for defendants who had a monetary gain from selling drugs and those who obtained property by false pretenses, for example. She thinks unsecured bonds and defendant monitoring might be appropriate if truly no risk exists for first time offenders.

Lonnie D. Hammond was a bail bondsmen for 33 years and now serves as a police officer. He commented that bail bondsmen are citizens first and want bad people off the street. They want consistency in every county. He noted that bail bondsmen still pay money if the defendant doesn't show up in court. He thinks bail bondsmen put forth the most effort and really network with each other to get defendants to court.

Discussion then ensured among committee members regarding the core elements of an effective pretrial justice system. The following components were endorsed: an empirically derived pretrial risk assessment tool, preferably the Arnold Foundation tool already in place in Mecklenburg; a release/detention matrix, implementation of risk management procedures; maintaining a system of bail bonding (money bail); preventative detention; early involvement of defense and prosecution; use of pretrial release services; performance evaluation/accountability; training judicial officers; and a full range of conditions of release.

A motion was made and unanimously approved that the committee should make recommendations to reform the current system.

A motion was made and unanimously approved to recommend a pilot project implementing the endorsed components of an effective pretrial justice system.

The committee's reporter was directed to prepare a draft report.

Judge Webb suggested that NCAOC might want to purse funds from the Arnold Foundation to implement the recommendations in pilot sites.

Sheriff Huffman suggested that uniform training for bail bondsmen would be helpful.

Criminal Case Management

Judge Wagoner opened discussion on the topic by questioning whether the suggested pilot is meaningful. She mentioned that district attorneys have control of the docket. It was also

noted that superior court judges don't have the staff to take on the responsibility of managing the criminal docket.

A motion was made and unanimously approved to adopt the NCSC plan for criminal case management reform.

[Lunch]

Indigent Defense

Judge Webb introduced the indigent defense agenda item: to approve the final IDS report that was submitted to the committee. He noted that the committed had previously decided not to make a recommendation regarding the appointment process of public defenders.

Professor Smith passing along three technical changes that were suggested: page 11, Mecklenburg and Durham (not just one county); page 11, budget numbers should be adjusted to reflect changes made in the short legislative session; page 48, (regarding the recommendation that the Sentencing Commission be tasked with identifying offenses that are routinely dismissed and should be repealed or made infractions) proposed revision to language that allows the Sentencing Commission to consider other, identified factors, when recommending specific offenses for consideration.

Tom Maher thanked the committee for receiving and considering the IDS report.

A motion was made and unanimously approved to adopt the report as written with three technical changes submitted by Professor Smith.

Judge Webb thanked Professor Smith for all of her efforts and expertise she has brought to the work of the committee.

Juvenile Age

Judge Webb introduced the juvenile age discussion agenda item.

A representative from the group Conservatives for Criminal Justice Reform spoke on raising the juvenile age. The group has been working in concert with the John Locke Foundation, which is advocating for even more inclusive reform than is being considered by the committee. There is reported to be broad conservative and bi-partisan support for this change, which will help keep North Carolina's youth competitive with youth from other states. The group does not believe

that there has been evidence presented that supports the recommendation of binding 13-year olds over to adult court.

Andrew Murray spoke on raising the juvenile age. He described events from his childhood that provide empathy for some of the issues encountered by juveniles in the criminal court system. He argued that Class A through E felonies are a significant break from other criminal offenses – causing injury, paralyzation, and serious impact to victims, etc. Offenses in classes even lower than these (breaking and entering, mugging, etc.) don't rise to the level of Class A through E and these are still considered to be serious offenses by many officials in the system. He noted that twenty-two states have laws that at age 14 and 15 (and some states at age 16) there is full discretion provided to the prosecutor or statutorily mandated binding over to adult court (examples of types of offenses in question: rape, sexual offenses, armed robbery, drive by shooting, etc.). He listed an example of charges for each of our neighboring states that fall into these categories. Mr. Murray staged a reenactment of a conversation between a district attorney and a victim about a violent crime, where the prosecutor explains the sentencing scheme of juvenile proceedings versus adult criminal proceedings. He stated that he does not believe that talking about how other states, including California, are moving away from prosecutorial discretion should be in the committee's report. He maintained that prosecutors should have discretion when violent crimes are committed.

Dick Adams provided an example of a crime: three people broke into a home, held the husband and wife hostage, and trashed their house where they had lived for 50 years. He stated that he believes that these defendants had long criminal histories already at the ages of 15 and 16 and will likely not have their case disposed for quite some time. He said that none of us are safe from this happening to us in our own home and that we need to do what is necessary to solve this problem.

Judge Holcombe asked Andrew Murray if he discussed the proposed recommendation regarding indictment for binding over with the Conference of District Attorneys. Mr. Murray advised that he discussed it with the Executive Committee (who was not in favor), but not the Conference as a whole. The Conference of District Attorneys voted this week to adopt their position: for prosecutors to have sole discretion on binding over Class A through E felonies for 13 through 17 year olds. Personally, Mr. Murray wants prosecutorial discretion over 14 and 17 year olds but does not see the need to have it over 13 year olds as well.

Judge Webb cautioned against a system that gives a single player sole discretion. He stated that he believes that a judge should have to decide to bind over to adult court and that there should be an automatic right to appeal. He said he found it odd that in a proposal to raise the juvenile age there is a movement to include prosecutorial discretion down to age 13.

Judge Holcombe noted that the proposed recommendation retains the existing transfer system for 13-15 year olds, while the DAs have suggested that they be vested with sole discretion to transfer 13-17 year olds. He said that if there is an issue of abuse of discretion that needs to be addressed separately; if an appeal de novo is offered both sides would likely appeal frequently.

He said that he feels that the transfer hearings may need to be handled by superior court judges and may benefit by judicial rotation.

Judge Webb noted that district attorneys have pushed back against district court judges making the transfer decisions but also declined to discuss having the cases heard in superior court. They only advocate for the sole discretion given to the district attorney.

Judge Wagoner noted that the work of this committee seems to have slid backwards.

Andrew Murray noted that only approximately 500 transfers have occurred from 2004-2016.

Judge Holcombe again stressed the need to find a compromise that people on both sides of the issue can get behind and support in part if not in whole.

James Coleman noted that it seems odd that if judges are erroneously not transferring cases that warrant it, there is not more wide-spread pushback by the public and other players. He suggested that a system that requires a prosecutor to convince the judge that a case should be tried in the adult system protects the defendant and the public. Andrew Murray noted that decisions the district court judge makes about transfer hearings are done behind closed doors as juvenile proceedings are confidential in North Carolina, so many people may not know about these outcomes.

Dick Adams said he has talked to many people since the start of this commission and many are concerned about crimes committed by juveniles. Professor Smith noted that the public comments that were received by the commission were 96% in favor of raising the juvenile age. Judge Webb said the public has been heard. Sheriff Buck noted that many people don't even know what the juvenile age issue involves. Bert Kemp said that this issue is extremely important to the public defenders. He supports Judge Holcombe's suggestion to get multiple options on the table for the different groups to consider. Andrew Murray says that the district attorneys feel that their proposed solution is the best way to protect the public. It was again noted that the DAs had declined to discuss other compromise solutions.

Presentation by Laurence Steinberg, Distinguished University Professor and the Laura H. Carnell Professor of Psychology at Temple University

Judge Webb asked Dr. Steinberg about the matter of juvenile defendants not having the benefit of full brain development and what that means about their criminal culpability. Dr. Steinberg said there is not a simple answer to the question on whether 14 and 15 year olds should be considered differently than 16 or 17, or even 18 year olds. Psychological and brain maturation proceeds differently and not at the same time, which makes it difficult to draw clear legal boundaries that account for both measures. Many of these developments are gradual and linear without providing a clear turning point. Diminished responsibility and character development are two areas to consider. Psychologists do not make diagnoses on character until

after the age of 18. It is very difficult to predict future behavior of adolescents by their past behavior. He said that 90% of juvenile offenders do not go on to be repeat, chronic, adult offenders (i.e., do not continue to offend past their 20s). Neuroplasticity means that the brain is easily affected by experiences until the mid-20s; this makes offenders much more vulnerable to toxic experiences. Thus, experts believe we should avoid transfer to the adult system as much as possible. Keeping offenders in the juvenile system increases their success in transferring back into the community at the conclusion of their sentences. The conditions of adult facilitates are much more dangerous to juveniles in the adult environment, compared to in the juvenile environment (even more dangerous when their brains are still so plastic). Juveniles in the juvenile system show lower recidivism than those who had served their sentence in the adult system. Dr. Steinberg said that there are circumstances in which transfer to the adult system is warranted: when the juvenile is dangerous to other youth in the juvenile system and should not be housed with other, vulnerable kids. He believes that transfer should be limited to those 15 and older who are repeat violent offenders. These cases should be eligible for transfer but not automatically moved up to the adult system. There should not be automatic transfer; each case and history should be considered individually. There is a difference of opinion on whether the state (prosecutor) or the judge should do this evaluation. Dr. Steinberg believes that a neutral party, such as a judge, should do the evaluation according to procedures set forth by the legislature. Andrew Murray asked if the level of violence in the crime should be considered. Dr. Steinberg said that except for juveniles aged 15 and older who are repeat violent offenders, no, that there is the ability to confine to protect public safety and to rehabilitate at the same time. Public perception may believe that certain types of offenders cannot be rehabilitated but data disproves this. Research shows that there is no deterrent effect on juveniles by having very harsh sentences. Younger defendants (13 year olds) that commit serious violent crimes are at a higher risk to reoffend/harder to rehabilitate than older (age 16) youth.

Dick Adams noted that growing up is an option, growing old is not.

Juvenile Age (cont.)

Judge Webb invited comments on the report as drafted. Professor Smith walked the group through the juvenile age recommendation and recaps the district attorneys' position. She provided some summary statistics: DJJ reports that during 2004-2016:

- Transfer was sought for 487 13-, 14-, and 15-year-olds charged with Class A-E felonies. Of those, 66% were transferred to adult court; 34% were retained in juvenile court. Ninety-one of the juveniles transferred were subject to mandatory transfer for Class A felonies. Removing this number from the data set reveals that 232 discretionary transfer motions were granted, a 58% prosecution success rate.
- Focusing on 14-year olds, transfer was sought for 101 juveniles charged with Class A-E felonies. Of those, 57% were transferred to adult court; 43% were retained in juvenile court. Twenty-four of the juveniles transferred were subject to mandatory transfer for

Class A felonies. Removing this number from the data set reveals that 34 discretionary transfer motions were granted, a 44% prosecution success rate.

- Focusing on 15-year-olds, transfer was sought for 341 juveniles charged with Class A-E felonies. Of those, 71% were transferred to adult court; 29% were retained in juvenile court. Sixty-one of the juveniles transferred were subject to the existing mandatory transfer for Class A felonies. Removing this number from the data set reveals that 182 discretionary transfer motions were granted, a 65% prosecution success rate.

Billy Lassiter notes that there is no physical place for many 13 year olds in the adult system. Those in the adult system due to Class A offenses are sometimes forced to be held in isolation to avoid mixing them with the general population. He noted that there are currently 76 juveniles under the age of 18 held in the adult prison system. With respect to costs, DPS is currently working on the fiscal estimate for the entire raising the age bill. If DPS uses prison labor instead of more expensive traditional capital this will provide significant cost savings. A portion of the estimated cost is for hiring additional court counselors. He estimated an annualized recurring cost of $50 million for DPS.

Randy Byrd asked about potential savings. Billy Lassiter noted that juvenile crime is down for nine consecutive years in a row. He suggested that current cost estimates may be an over-statement if crime continues to decrease in future years. The legislature has recently begun reinvesting savings from the reduction in crime into community programs within DPS.

Sheriff Buck asked for clarification on the difference between automatic transfer to adult court and prosecutorial discretion. The group had a conversation about why the automatic transfer option is still in the mix.

Kearns Davis noted the difference in perspective of the juveniles and the victim. He asked if there is a way to report more data on matters disposed in juvenile court without the names and identities of the people involved so the public can know how the system is working.

With respect to automatic transfer Andrew Murray explained that in order for a juvenile to be handled in the juvenile system the district attorney must undercharge the offense so that the juvenile is not forced in to the adult system under the automatic transfer rules.

Judge Wagoner explained existing case law that directs the work of the system. Professor Smith recapped how the group arrived at mandatory transfer for high level felonies. The group continued to discuss the automatic transfer threshold.

James Coleman asked for clarification on why judges sometimes deny transfer requests. The group discussed a few examples and hypothetical reasons.

Judge Holcombe spoke on the reasons for superior court judges to hear transfer hearings. He said that the group has spent a lot of time discussing 3% of all cases (16-17 year olds charged

with violent crimes) and should not derail the larger process for the majority of 16 and 17 year olds.

A motion was made and unanimously approved to remove references to California in the committee's report.

Andrew Murray moved to amend the report to afford prosecutors sole discretion (no judicial review) to bind over 13 through 17 year olds for Class A through E felonies. The motion failed with only Sheriff Buck and Andrew Murray voting for it.

Judge Webb offered to include the written comments of Conference of District Attorneys as an appendix to the committee's final report.

A motion was made to adopt the Committee's report as written, with the addition of the DAs written comments as an Appendix. The motion passed with only Andrew Murray in opposition. After the meeting adjourned Dick Adams asked to change his vote to no.

Professor Smith recapped a few action items for her to work on between now and the next committee meeting.