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NORTH CAROLINA

NC bill would let law enforcement release names, photos of some juvenile suspects

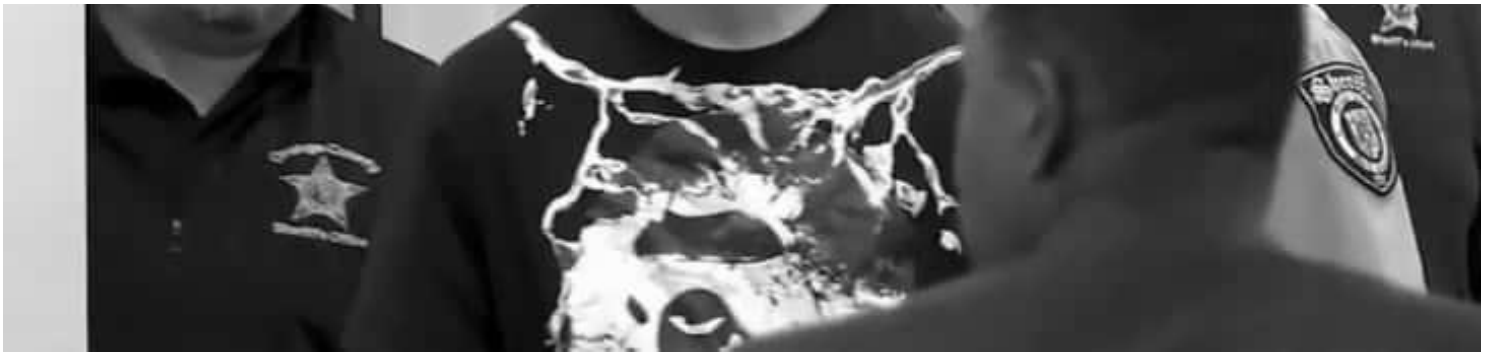
BY VIRGINIA BRIDGES

UPDATED APRIL 06, 2023 10:12 AM



Teen charged as adult in Orange County double murders appears in court





After Orange County sheriff investigators learned two missing teens were found dead in woods last year, they had a suspect on the loose. But they couldn't turn to the public to help find him.

The suspect was 17, and state law forbade officials from releasing his name or image until he was charged as an adult.

"That juvenile actually escaped," Marie Evitt, government relations counsel for the North Carolina Sheriffs' Association, told the Senate Judiciary Committee on Tuesday.

Issiah Mehki Ross wasn't arrested until 16 days later in Delaware.

Now, the Senate is considering a bill that would make it easier for law enforcement officials to disclose more information about minor-aged suspects in the future.

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On Tuesday, committee members voted in favor of the change, with support from the North Carolina Sheriffs' Association, the North Carolina Conference of District Attorney, and the Division of Juvenile Justice and Delinquency Prevention.

The bill emerged at a time when violent crime has increased among minors, especially older teenagers. If passed, it would also expand who is allowed to accompany 16- and 17-year-olds when they are interrogated by law enforcement while in custody.

Charles A. "Chuck" Spahos, with the N.C. Conference of District Attorneys, said state leaders have to balance a juvenile's interest with that of public safety.

"Looking at society and protecting society and looking after the interests of that balance," he told committee members.

THE WRONG DIRECTION?

Some civil rights activists are concerned about the proposed changes, including staff with the ACLU of North Carolina and Disability Rights North Carolina.

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The bill threatens to undo the progress the state has made since approving in 2017 the Juvenile Justice Reinvestment Act, which seeks to keep more minors facing criminal charges in the rehabilitative juvenile system instead of the punitive adult system, they told committee members.

“This is a bad bill that moves the state in the wrong direction,” said Liz Barber, an ACLU policy analyst.

Under the proposed change, law enforcement could disclose the name, photograph, the alleged offense and the level of concern about a youth’s threat to self or others after a minor is charged with a crime that could be transferred to Superior Court.

Law enforcement officials could decide to disclose the minor’s name and other information without a court order in emergency situations to prevent imminent danger to life or property, the bill says.

Once the juvenile is taken into custody, all publicly released information would be removed from the law enforcement agency's website and social media pages, the bill states.

But the information will likely remain public and could follow and hinder minors for the rest of their lives as they apply for education, housing and jobs, the civil rights activists said.

"The permanent nature of the internet and how information is saved, stored, and shared cannot protect youth from the danger of having their personal identifying information and allegations against them exist in the public sphere forever," Barber wrote in an email to The News & Observer.

The disclosure will follow them even if the charges are dismissed or they are found not guilty, which happens about 22% of the time, said Kris Parks, a lobbyist with Disability Rights NC.

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"Kids have a really hard time getting employment, getting education, getting housing, moving forward in the world when this information is still out there," Parks told The News & Observer.

CARETAKERS COULD PLAY NEW ROLE

The bill also would also expand who must be present when 16- and 17-year-olds in the custody of law enforcement are interrogated.

The bill would allow a caretaker to be present, including an adult in the teen's household or someone entrusted with their care. The change would expand eligible adults from parents and guardians to include stepparents, foster parents or juvenile detention facility staff members.

This could prevent current delays, said William Lassister, deputy secretary for the N.C. Division of Juvenile Justice and Delinquency Prevention.

“What is happening right now in a lot of cases is the parents aren't coming and so now law enforcement, they can't interrogate the kid,” he said.



Activists warned that change would increase the risk of coercion and false confessions. “Research shows youth don't fully comprehend their Constitutional rights against self-incrimination or understand the consequences of waiving them,” Barber wrote in an email.

Some studies show minors waive their Miranda rights at rates as high as 90 percent, she wrote.

Parks noted that sometimes these interrogations could involve alleged crimes that occurred in group homes or youth, psychiatric or other detention facilities.

If the law changes, it would allow a staff member who might be making an allegation against a teen to be deemed a caretaker who could sit in on the law

enforcement interrogation.

Activists said someone who serves a parental role or an attorney needs to be present. Ideally, the law would require all minors under 18 to have an attorney present, wrote Barber.

Language regarding changes to these juvenile justice practices is still in the works, the committee meeting made clear.

Officials are considering an amendment that would require that if a parent exists, officials must first attempt to contact that person before the interrogation, said state Sen. Danny Britt, a Robeson County Republican who is a sponsor of the proposed legislation.

Opponents still see problems. “While it is an improvement that officials must first at least attempt to contact a parent, that simply isn’t enough,” Barber wrote in an email.

After the committee approved the bill, it was sent to the Senate Rules and Operations committee.

Virginia Bridges covers criminal justice in the Triangle and across North Carolina for The News & Observer. Her work is produced with financial support from the

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This bill defines overreach. The caretaker changes almost guarantees that no one will be in the interrogation to help preserve the child's rights. This bill gives the police the same unfair advantage with a minor that not having your lawyer in an interrogation does for an adult. Releasing the photo...

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