

Creating ACEs-Informed Courts in North Carolina

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For decades, research has demonstrated that 90% of youth who encounter the justice system have experienced at least one traumatic event, and at least 30% meet the criteria for posttraumatic stress disorder [1]. Research also shows that Black youth are almost three times more likely to be referred to court for the same behavior as their non-Black peers, and Black youth are four times more likely to be suspended or expelled from school for the same behavior as their non-Black peers [2, 3].

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Having worked in the justice system, primarily as a juvenile attorney for more than 16 years, I think these statistics underestimate the problem. Nearly every child I encountered as a prosecutor in juvenile court experienced poverty, domestic abuse in the home, and had inadequate parental support. Many children who encounter the justice system have a parent or sibling or some member of the family who is already incarcerated. Also, these children commonly encounter substance abuse, mental health issues, and other forms of neglect, all of which contribute to the behaviors that ultimately bring them to court.

These are all adverse childhood experiences (ACEs). These ACEs substantially impact the population that we serve in the court system; for example, research shows that the higher the prevalence of ACEs, the greater involvement in the justice system. One study from Washington State found that higher ACEs scores increase the likelihood of substance use, self-harm, academic failure, and ultimately, court involvement [4, 5]. We might see the impact of ACEs in the court system when a child as young as 11 years old is charged with drug offenses. Children in these cases should be viewed as neglected juveniles, rather than criminals. For example, in a case I prosecuted many years ago, the child in question was living in a home with drug-addicted parents

who were not supporting him, financially or otherwise. This middle-school student was paying the bills, buying groceries to feed his younger siblings, buying his own clothes, and paying the rent so that he and his siblings wouldn't be on the street.

The child in this case, and others like him, are the population that the office of the Chief Justice and the North Carolina Department of Public Safety are trying to serve and better support through the Chief Justice's Task Force on ACEs-Informed Courts. The mission of the task force is to enable judicial branch stakeholders—not just judges, but prosecutors, public defenders, clerks, magistrates, court administrators, and social workers—to truly understand the impact on children and all who are victims of ACEs and develop strategies to appropriately address this impact within the court system.

The Office of the Chief Justice has identified specific objectives to intentionally address this mission. These include: providing judges and other court administrators with practical education on the effects of ACEs, so they can identify them when encountered in court; equipping juvenile court officials to recognize young offenders and victims impacted by ACEs; identifying both existing and new programs that intervene in the lives of youth who have experienced ACEs and put them on a path away from the courthouse and into a successful life; and providing a platform from which court officials can offer feedback to educators regarding their experiences with identifying and addressing ACEs, with the hope of creating further avenues for research [6]. The task force is a diverse group of stakeholders from throughout the system, including judges, district attorneys, public defenders, clerks, court managers, law enforcement, and guardians ad litem, as well as academic leaders, and is cochaired by Judge Andrew Heath, director of the North Carolina Administrative Office of the Courts, and District Attorney (DA) Ben David, the elected district attorney in New Hanover and Pender counties. DA David and other stakeholders in New Hanover County formed a

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resiliency task force several years ago that became the seed for this initiative.

The task force first met in August 2021 and has already made progress toward developing action items related to its objectives.

Educating Court Administrators About ACEs

The task force's first objective is to provide court administrators with practical education on the effects of ACEs on juveniles. What does this look like? How can court officials determine when someone who encounters the court, either because they were charged with a crime or delinquent act or were the victim of one, is affected by ACEs? The task force is working with the Bolch Judicial Institute at the Duke University School of Law to develop training for district court judges, who are more likely to address the impact of ACEs because district courts are home to juvenile court, domestic violence court, recovery court, and family court.

In August, Bolch piloted a training program on ACEs for a small group of district court judges. Then, in October, many of the district court judges in the state attended their annual conference, held in Cherokee, where DA David presented about the task force. In collaboration with the University of North Carolina School of Government, an advanced juvenile court certification program is being created to train and educate district court judges on ACEs and how to identify and respond appropriately to them. We also plan to develop on-demand training and resources that will be available for court officials throughout the state.

Identifying and Creating Intervention Programs

Once we have identified ACEs-affected offenders and victims, what do we do? How do we respond more appropriately?

School justice partnerships are one avenue. They involve multiple stakeholders, including the courts, the school system, law enforcement, and juvenile justice officials who work together to divert kids away from the court system for minor school-based misbehavior.

Nearly 50% of all juvenile complaints in North Carolina come from schools, which contributes to the school-to-prison pipeline. These referrals typically are for routine misbehavior, such as yelling at a teacher, which can be considered disorderly conduct and technically fit the elements of a crime. But minor fights that don't result in injury or a threat to the safety of staff and students are not necessarily criminal behavior. This type of behavior is better resolved outside the court system, in the school and in the community, with evidence-based, age-appropriate consequences.

To help reduce the prevalence of school-based referrals to court, the task force plans to expand these multidisciplinary school justice partnerships to include all school districts across the state. These partnerships should include school

officials who are already in a position to engage with court officials to share information about how ACEs are impacting their communities.

In collaboration with the Division of Juvenile Justice of the North Carolina Department of Public Safety, the task force is working to implement a trauma-informed youth assessment screening instrument to provide early identification of potential trauma experienced by youth who encounter the system. Finally, the task force hopes to expand family courts and recovery courts, which currently exist sporadically throughout the state.

Conclusion

When I envision truly trauma-informed courts, I see a judge who looks at an 11-year-old child charged with a drug offense and does not see a ruthless drug dealer, but instead recognizes that this child may be a victim of neglect.

Ultimately, the goal of the Chief Justice's Task Force on ACEs-Informed Courts is to create a trauma-informed court system that can respond more appropriately—with resources and support, not merely punishment and incarceration—to build a more resilient community. We're just getting started, and there's a lot of work to do. We need everybody at the table—not just the court system—to make this happen. **NCMJ**

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