



North Carolina Department of Public Safety

Juvenile Justice

Roy Cooper, Governor
Erik A. Hooks, Secretary

Timothy D. Moose, Chief Deputy Secretary
William L. Lassiter, Deputy Secretary

MEMORANDUM

TO: Chairs of the Joint Legislative Oversight Committee on Justice and Public Safety
Chairs of the Senate Appropriation Subcommittee on Justice and Public Safety
Chairs of the House Appropriation Subcommittee on Justice and Public Safety
Fiscal Research Division

FROM: Erik A. Hooks, Secretary *Erik A. Hooks*
Timothy D. Moose, Chief Deputy Secretary *Timothy D. Moose*
William L. Lassiter, Deputy Secretary for Juvenile Justice *William Lassiter*

RE: Assaults on Staff in State Detention Centers - Juvenile Facilities

Date: March 15, 2021

Pursuant to § 14-258.7, the Department of Public Safety shall report by March 15 of each year to the Chairs of the House of Representatives and Senate Appropriations Subcommittees on Justice and Public Safety, the Chairs of the Joint Legislative Oversight Committee on Justice and Public Safety, and the Fiscal Research Division of the Legislative Services Commission on the number of incidents of any violation of G.S. 14-34.5(b), 14-34.7(b), or 14-34.7(c)(2) involving an employee or contractor of a detention facility operated by the State, and the nature of the resolution of every incident of any violation of G.S. 14-34.5(b), 14-34.7(b), or 14-34.7(c)(2) involving an employee or contractor of a detention facility operated by the State.

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1) The number of incidents of any violation of this Article, G.S. 14-34.5(b), 14-34.7(b), or 14-34.7(c)(2) involving an employee or contractor of a detention facility operated by the State.

The following table reflects violations involving an employee or contractor of a juvenile detention center or youth development center resulting in injury to staff. Youth Development Centers offer long term, residential commitment services whereas juvenile detention centers predominantly house youth pre-trial in secure custody.

CY 2019

	Violations of G.S. 14-34.5 (b) <i>Assault with a Firearm on a person employed at a State detention facility</i>	Violations of G.S. 14-34.7 (b) <i>Certain assaults on a person employed at a State detention facility (Class F)</i>	Violations of G.S. 14-34.7 (c) (2) <i>Certain assaults on a person employed at a State detention facility (Class I)</i>
Alexander Juvenile Detention Center	0	0	3
Cabarrus Juvenile Detention Center	0	0	2
Cumberland Juvenile Detention Center	0	0	0
New Hanover Juvenile Detention Center	0	0	1
Pitt Juvenile Detention Center	0	0	1
Wake Juvenile Detention Center	0	0	0
Cabarrus Youth Development Center	0	0	16
Chatham Youth Development Center	0	0	2
Edgecombe Youth Development Center	0	0	7
Lenoir Youth Development Center	0	0	6
Total	0	0	38

CY 2020

	Violations of G.S. 14-34.5 (b) <i>Assault with a Firearm on a person employed at a State detention facility</i>	Violations of G.S. 14-34.7 (b) <i>Certain assaults on a person employed at a State detention facility (Class F)</i>	Violations of G.S. 14-34.7 (c) (2) <i>Certain assaults on a person employed at a State detention facility (Class I)</i>
Alexander Juvenile Detention Center	0	0	0
Cabarrus Juvenile Detention Center	0	0	1
Cumberland Juvenile Detention Center	0	0	0
Dillon Juvenile Detention Center	0	0	0
Dobbs Juvenile Detention Center	0	0	1
New Hanover Juvenile Detention Center	0	0	0
Pitt Juvenile Detention Center	0	0	1
Wake Juvenile Detention Center	0	1	2
Cabarrus Youth Development Center	0	0	0
Chatham Youth Development Center	0	0	0
Edgecombe Youth Development Center	0	1	5
Lenoir Youth Development Center	0	0	1
Total	0	2	11

- 2) **The nature of the resolution of every incident of any violation of this Article, G.S. 14-34.5(b), 14-34.7(b), or 14-34.7(c)(2) involving an employee or contractor of a detention facility operated by the State.**

CY 2019

Thirty-eight (38) acts that appear to meet the elements of G.S. 14-34.7 (c) (2), Certain Assaults on a Person Employed at a Detention Facility, occurred in CY 2019. The following delinquent petitions or criminal charges were filed for individual juveniles housed in a juvenile detention center or youth development center:

- One petition each for G.S. 14-34.7(c)(2), Certain Assaults on a Person Employed at a Detention Facility; G.S. 14-32.4(b), Assault Inflicting Physical Injury by Strangulation; G.S. 14-17, Attempted First Degree Murder; and G.S. 14-33(c)(4), Assault on a Government Officer/Employee. All remain pending before the Court as February 2021.
- One charge for G.S. 14-33(c)(4), Assault on a Government Officer/Employee, which was voluntarily dismissed.
- One petition for G.S. 14-33(c)(4), Assault on a Government Officer/Employee, which was voluntarily dismissed.
- One charge for G.S. 14-33(c)(4), Assault on a Government Officer/Employee, which resulted in conviction and a sentence of thirty (30) days active time.
- One charge for G.S. 14-33(c)(4), Assault on a Government Officer/Employee, which resulted in conviction and a sentence of twenty-two (22) days active time.
- One charge for G.S. 14-33(c)(4), Assault on a Government Officer/Employee, which resulted in conviction and a sentence of thirty (30) days active time.
- One charge each for G.S. 14-33 (a), Assault and Battery, and G.S. 14-277.1, Communicating Threats. Both charges resulted in conviction and a sentence of twenty-five (25) days active time.
- One charge for G.S. 14-33(c)(4), Assault on a Government Officer/Employee; two charges for G.S. 14-277.1, Communicating Threats; and one charge for G.S. 14-258.4, Malicious Conduct by Prisoner (Throwing Fluids); all of which were resolved by Alford plea and a sentence of thirteen (13) to twenty-five (25) months active time.
- One charge for G.S. 14-33 (a), misdemeanor Simple Assault, which resulted in conviction and a sentence of one (1) day active time.
- One charge for G.S. 14-33 (a), misdemeanor Simple Assault, which remains an unserved summons.
- One charge each for G.S. 14-33 (a), Simple Assault, and G.S. 14-33(c)(4), Assault on a Government Officer/Employee. The Simple Assault charge was voluntarily dismissed and the Assault on a Government Officer/Employee resulted in convicted and a sentence of two (2) years unsupervised probation.
- Two charges for G.S. 14-33 (a), Assault and Battery; one charge for G.S. 14-33(c)(1), Assault with a Deadly Weapon, and one charge for G.S. 14-34.7(c)(2), Certain Assaults on a Person Employed at a

Detention Facility. All charges were voluntarily dismissed except for Certain Assaults on a Person Employed at a Detention Facility, which was reduced to G.S. 14-33(c)(1), Assault with a Deadly Weapon and resulted in conviction and a sentence of sixty (60) days active time.

- One charge each for G.S. 14-33(a), Assault and Battery, and G.S. 14-34.7(c)(2), Certain Assaults on a Person Employed at a Detention Facility. Both charges were voluntarily dismissed.
- One charge for G.S. 14-33(c)(4), Assault on a Government Officer/Employee, which resulted in conviction and a sentence of seventeen (17) days active time.
- One charge for G.S. 14-33(c)(4), Assault on a Government Officer/Employee, which resulted in conviction and a sentence of thirty (30) days active time.
- One charge for G.S. 14-33(c)(4), Assault on a Government Officer/Employee, which resulted in conviction and a sentence of community supervision.

Please note that more than one juvenile may have been involved in any individual incident or a juvenile may have received more than one charge or petition for an incident and therefore the number of formal charges or petitions listed above may differ from the total counts provided in (1).

The remaining potential violations of G.S. 14-34.7 (c) (2) were each resolved consistent with internal policy.

CY 2020:

Thirteen (13) acts that appear to meet the elements of G.S. 14-34.7 (b) and (c) (2), Certain Assaults on a Person Employed at a Detention Facility, occurred in CY 2020. The following delinquent petitions or criminal charges were filed for individual juveniles housed in a juvenile detention center or youth development center:

- One petition for G.S. 14-34.7 (b), Certain Assaults on a Person Employed at a Detention Facility, which was approved for court and remains pending before the Court.
- One petition for G.S. 14-34.7 (b), Certain Assaults on a Person Employed at a Detention Facility, which was approved for court and remains pending before the Court.
- One charge each for G.S. 14-258.4, Malicious Conduct by a Prisoner, and G.S. 14-34.7 (c) (2), Certain Assaults on a Person Employed at a Detention Facility. Both remain pending before the Court.
- Two petitions for G.S. 14-33 (c) (4), Assault on a Government Official, which were dismissed; and one petition for G.S. 14-33 (c) (1), Assault Inflicting Serious Injury, which was adjudicated and is pending disposition.
- Two petitions for G.S. 14-33 (c) (4), Assault on a Government Official, which were dismissed; and one petition for G.S. 14-33 (c) (1), Assault Inflicting Serious Injury, which was adjudicated and is pending disposition.
- Two petitions for G.S. 14-33 (c) (4), Assault on a Government Official, which were dismissed; and one petition for G.S. 14-33 (c) (1), Assault Inflicting Serious Injury, which was adjudicated and is pending disposition.

- One petition for G.S. 14-34.7 (b), Assault Inflicting Serious Bodily Injury on Detention Staff, which was approved for court and remains pending before the Court.

Please note that more than one juvenile may have been involved in any individual incident or a juvenile may have received more than one charge or petition per incident and therefore the number of formal charges or petitions listed above may differ from the total counts provided in (1).

The remaining potential violations of G.S. 14-34.7 (b) and (c) (2) were each resolved consistent with internal policy.