

THE LOWDOWN

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Mark Twain said, “Those that respect the law and love sausage should watch neither being made.” I spent a lot of time in Raleigh lately, and he was not wrong!

Our government and the legislative process are complex. A law starts with an idea. In simple terms, a legislator sponsors a bill, other legislators sign onto it, and members of the General Assembly continue to tweak, change, and massage it as they pass the proposed legislation between their two chambers. Once Senators and members of the House of Representative pass the final version, the bill moves to the Governor for signature. The idea, of course, is to reach a final product that improves society or cures a problem. Despite generally good intentions, it takes enormous effort not to get stuck with bad law, or good law leading to unforeseen problems.

In June 2017, with bi-partisan support, the General Assembly passed new legislation such that North Carolina was no longer the sole state automatically prosecuting juveniles as adults for crimes allegedly committed on or after their sixteenth birthday. The law took effect December 1, 2019. In my opinion, this law synthesized years of research and established a way to improve public safety, reduce juvenile recidivism, provide economic benefit, and avoid tagging young people with permanent criminal records for mistakes made prior to adulthood.

However, as we learned when investigators developed a 17-year-old suspect in the tragic murders of Devin Clark and Lyric Woods in September 2022, the law, as written, protected the confidentiality of the juvenile until the judicial system transferred the case to adult court seven weeks later. This provision created a situation where we could only say that the suspect was a juvenile, but not specify the person’s name, age, race, or sex. We could not release a photo or reveal the suspect fled to another state. We could not discuss our progress with the victims’ families; we could only beg for their trust. As rumor and incorrect assumptions flourished in the petri dish of social media, we were silent. While authorities located the suspect, placed him in a juvenile detention facility, and eventually transported him to North Carolina, we could not reassure our community. Confidentiality trumped all other concerns. When a blogger, not subject to the law that tied our hands, publically identified the accused, we were unable to confirm or refute his information.

Two serious flaws in the new law quickly became apparent. First, although local public safety was never in jeopardy because the juvenile left the state, we were prohibited from warning people in the city where he fled. “Watch out for a 17 year old,” would be useless

information. Second, if the suspect remained in North Carolina but eluded authorities, we would have been unable to ask for the public's help locating him. He could have gone shopping, hung out at the library, or picked up take-out as long as he avoided law enforcement officers. No one else would know he was a wanted person!

Fortunately, sheriffs across the state, with the help of the staff at the North Carolina Sheriffs' Association, lobbied lawmakers effectively at Legislative Day, an event where sheriffs in North Carolina meet with legislators to discuss public safety issues related to the concerns of their residents and the execution of their duties. We suggested improvements to the law, using the murder of Devin and Lyric to illustrate the need. Members of the General Assembly are currently finalizing a modification to the statute such that law enforcement officers can disclose certain confidential information if a superior court judge issues an order authorizing release. The technicalities are beyond the scope of this article, but the main requirements are that the juvenile allegedly committed a serious enough crime, presents a significant danger to self or others, and good cause exists for the disclosure.

I have high hopes this modified bill will pass. It is terrible that it took the death of two teenagers to reveal the flaws in the original law, but necessity is well-known as the mother of invention. I am grateful our governmental system has a process to cure problems. It may be slow and cumbersome at times, but it attempts to respond to the will of the people. Collectively, North Carolina sheriffs convinced legislators the law needed to be modified, and I am proud of our work.

If you have concerns about matters of public safety, please come talk to me or reach out to your elected officials in the General Assembly.