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COUNTY OF DURHAM BOARD OF COMMISSIONERS

October 29, 2021

Dear Ms. McCrae, Mr. Whittenberg, Mr. Pollard, Ms. Nicholson, Ms. Ewool, and Ms. Rajendran:

This letter sent on behalf of the Durham Board of County Commissioners is in response to your October 13, 2021 letter regarding Durham County's new Youth Home capital improvement project. Additional details on the need and planning efforts for the facility have been provided hereinafter. As a reminder, the Courts issue final detention decisions in all cases, while Durham County (DCo) is responsible only for providing housing for those residents that are remanded to detention. If DCo fails to provide such facilities, the incarcerated juveniles would be detained in other areas across the state. In an effort to ensure that its youth remain in Durham County, DCo continues to focus on creating and maintaining safe therapeutic accommodations for those juveniles.

Due to the required updates needed for the Durham County Youth Home and the age of the facility, DCo hired a third party to evaluate the construction of a new Youth Home. This evaluation included planning for the new facility to meet the requirements of the anticipated "Raise the Age" legislation. Additionally, consideration was given to the Sight and Sound Separation requirements under the Juvenile Justice Delinquency Prevention Act (JJDP). The JJDP prohibits all contact between incarcerated adults and juveniles placed in adult jail. Pursuant to this mandate, incarcerated juveniles were forbidden from exposure to incarcerated adults, such as being housed next to adult cells, sharing dining halls, or any other common areas.

DCo contracted with O'Brien Atkins Associates to update the current Youth Home building assessment in 2017 and to complete a Program Study for a new facility in 2018. The County Commissioners were updated on the planning efforts at the September 2018 BOCC Work Session. Information from the September 2018 BOCC work session can be found at: [Meeting Agenda \(legistar1.com\)](#), Agenda Item 18-1002. The September 2018 agenda information includes the 2015 new facility recommendation report provided by the community stakeholder planning committee. The report was provided after extensive community input and conversations on the need for a new facility and its recommended programmatic elements. Planning committee members included Rep. Marcia Morey, representatives from the District Attorney's and Public Defender's Offices, NCCU Juvenile Justice Institute and Carolina Justice Policy Center representatives, and County and City representatives. A full list of the stakeholder planning committee can be found on page 9 of the report.

In 2017, lawmakers approved raising the age of juvenile jurisdiction for nonviolent crimes to age 18. In December 2019, “Raise the Age” legislation became effective and held that 16-and 17-year-old individuals who commit crimes in North Carolina were no longer automatically charged in the adult criminal justice system. This new legislation created a situation in which larger modernized youth facilities were necessary to legally house incarcerated juveniles.

In March 2019, as part of a legal settlement, DCo agreed to construct a new Durham County Youth Home that would accommodate juveniles and comply with the sight and sound separation requirements of the JJDP. It is important to note that DCo is legally obligated to construct this new youth home pursuant to the 2019 settlement agreement. Additionally, such facility is necessary to fully comply with state law. Finally, and most importantly, the construction of this facility means that Durham County youth can stay in Durham County, ensuring that they remain close to their family and guardians as well as continue to receive community-based wraparound support services. The new Youth Home facility will use a holistic assessment center approach to support juveniles beyond simple detention to include services for at-risk and/or court-involved juveniles. The programming for the new facility will take a multifaceted approach to address security, mental health, and educational needs of juveniles as described in the 2015 new facility recommendation report. Partners in assessment center services will include NCDPS Juvenile Court Services, Durham Public School, Alliance Health, and Department of Social Services.

Dco has partnered with Moseley Architects and Bordeaux Construction Company for the design and management of the project. The North Carolina Department of Public Safety has also expressed interest in partnering with the County on ongoing operational costs associated with the new facility. The Board of County Commissioners received an update on the project during their January 2021 work session where they approved moving forward with the sustainability elements (\$1.9 million additional cost) of the project. A copy of the presentation can be found at: [Meeting Agenda \(legistar1.com\)](http://legistar1.com), Agenda Item 20-0511. The new facility is scheduled to open by summer 2023.

The Board of County Commissioners appreciates your interest and desire to keep our youth in Durham and safe. We share the same interest and passion for Durham youth. Thus, the County has a legal and moral obligation to move forward with this project for all the aforementioned reasons.

Sincerely,



Brenda Howerton, Chair
Durham Board of County Commissioners