Raising the Age of Juvenile Court Jurisdiction in North Carolina

Juvenile Justice Reinvestment Act

WHAT IS "RAISE THE AGE"?

- Currently, North Carolina treats all 16 and 17-year-olds as adults in the criminal justice system.
- In July 2017, the NC General Assembly passed legislation to raise the age of juvenile jurisdiction to 18
- This new law will go into effect in **December 2019**.

WHAT DOES RAISE THE AGE DO?

WHAT DOES THE NEW LAW DO?

- 16 and 17-year-olds with **misdemeanors** will now be adjudicated in the juvenile justice system.

- 16 and 17-year-olds with **lower-level (Class H and I) felonies** will be adjudicated in the juvenile justice system, but **may** be transferred to adult court by a juvenile court judge.

- This = 94% of 16-17 year olds involved in the criminal justice system.

S. 257. 2017 Gen. Assem. (N.C. 2017)

WHAT DOES THE NEW LAW DO?

- 16 and 17-year-olds charged with **Class A through G felonies** will start in juvenile court, but are mandatorily transferred to adult court after a finding of probable cause or a grand jury indictment in adult criminal court.

S. 257. 2017 Gen. Assem. (N.C. 2017)

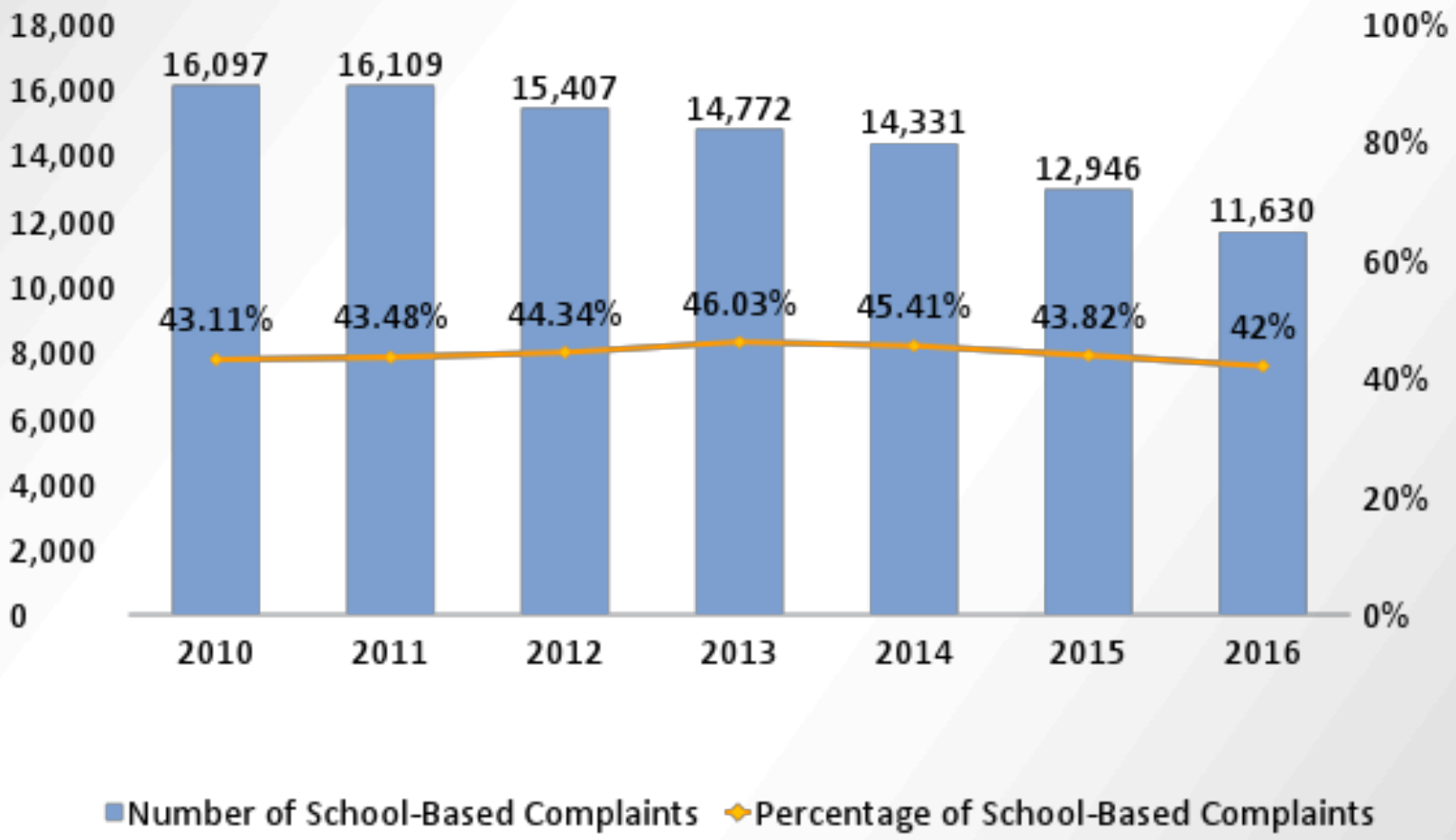
WHAT DOES THE NEW LAW DO?

Establishes School Justice Partnerships

- Each year, **almost half** of the referrals to the juvenile justice system are for school-based offenses.
- School-justice partnerships are agreements, usually written, between law enforcement, school districts, court actors, and other governmental units aimed at reducing the number of referrals from juvenile and adult court coming from schools.
- Directs the State Administrative Office of the Courts to set out procedures for local judges—in partnership with law enforcement and school boards—to establish "school justice partnerships."

S. 257. 2017 Gen. Assem. (N.C. 2017)

Percentage of School-Based Complaints



WHAT DOES THE NEW LAW DO?

- **New Hanover, NC School Justice Partnership Model**
  - New Hanover's "Inter-Agency Governance Agreement on the Handling of School Offenses" requires schools to respond to student offenses using a graduated framework and limits law enforcement involvement in school discipline matters.
  - This effort is primarily court-led, although multiple stakeholders are involved.
  - Preliminary data gathered through public records request indicates a decrease in incident reports and school-based juvenile petitions the first year the agreement was in effect.

Hannah DelaCourt (October 6, 2015) Board Oks School Offenses Agreement, Star News Online

WHAT DOES THE NEW LAW DO?

- **Establishes a Juvenile Jurisdiction Advisory Committee**
  - Committee members are appointed by the legislature. No directly impacted youth or families have an appointed position on the committee.
  - Committee must report to the legislature by March 2018.
  - Committee will submit legislative, administrative, and funding recommendations annually to the legislature by January 15 every year, with a final report by January 16, 2023.
  - Committee is specifically tasked with considering whether more offenses, including misdemeanors, should result in the exclusion of 16 and 17-year olds from juvenile court.

WHO DOES THE LAW IMPACT?

- Only 3.3% of 16 and 17-year-olds in 2014 were convicted of violent (Class A-E) felonies
- 80.4% of were convicted of misdemeanors
- 16.3% were convicted of non-violent felonies

Criminal Investigation and Adjudication Committee. (2017). *Committee Report: Evidence Based Recommendations to Improve the State's Criminal Justice System*. Raleigh, NC: North Carolina Commission on the Administration of Law and Justice

WHO DOES THE LAW IMPACT?

94% of the 16 and 17-year-olds involved with the criminal justice system have committed non-violent, low-level offenses.

Why remove 16 and 17-year-olds from the adult criminal justice system?

THE JUVENILE JUSTICE SYSTEM PROVIDES BETTER SUPERVISION AND SERVICES TO YOUTH

For offenses that would receive little to no punishment in the adult justice system, juveniles often receive strict supervision and access to mental health, substance abuse, and other services.

INCARCERATING YOUTH IN ADULT FACILITIES IS DANGEROUS

- Youth incarcerated in adult jails and prisons are more likely to be victimized by other offenders or staff members than in youth facilities

- As a result, youth need to be kept separate from adults in "sight and sound" if held in the same facility

Prison Rape Elimination Act of 2003 (PREA), 42 U.S.C. §§156016-15609 (2003).

WHAT ABOUT THE COST?

ESTIMATED COST

- In 2011, the Youth Accountability Planning Task Force estimated the annual taxpayer cost at $49.2 million

- Since then, the Division of Juvenile Justice has produced **cost savings of over $44 million that can pay to raise the age**.

Criminal Investigation and Adjudication Committee. (2017). *Committee Report: Evidence Based Recommendations to Improve the State's Criminal Justice System*. Raleigh, NC: North Carolina Commission on the Administration of Law and Justice

ECONOMIC BENEFITS OF RAISE THE AGE

- In 2011, the Youth Accountability Planning Task Force estimated **net benefits of $52.3 million** involved with keeping misdemeanor and low-level 16 and 17-year-olds in juvenile court
  - lower recidivism rates
  - lower employment discrimination

Criminal Investigation and Adjudication Committee. (2017). *Committee Report: Evidence Based Recommendations to Improve the State's Criminal Justice System*. Raleigh, NC: North Carolina Commission on the Administration of Law and Justice

OUTSTANDING ISSUES

- In the coming months, the Juvenile Jurisdiction Advisory Committee will be discussing:
  - technical changes to the law,
  - the specifics of a new juvenile facility,
  - funding needs, and
  - whether the law should result in the mandatory transfer of more 16 and 17-year-olds for lower level offenses, including misdemeanors.

What You Can Do To Help

Take Action Now

- Sign up to receive action alerts at www.raisetheagenc.org
- Sign our petition to the Juvenile Jurisdiction Advisory Committee.
- Provide written or public testimony at the next Juvenile Jurisdiction Advisory Committee.
- Get involved with the effort to form a School-Justice Partnership in your community

Take Action Now

- Juvenile Jurisdiction Advisory Committee Meetings
  - February 20, 2018 | 10am-2pm | Hammond Business Place Room 144, Raleigh, NC
  - March 21, 2018 | 10am-2pm | Hammond Business Place Room 144, Raleigh, NC
- Subcommittees of the JJAC
  - School Justice Partnerships | Feb. 9, 2018 | 11am-1pm Maple Room NC Judicial Center
  - Legislative Revisions & Legal Issues
  - Transfers

Regional Raise the Age Meetings

- **2/6 Wilmington** | Union Missionary Baptist Church
- https://ncacaywilmington.eventbrite.com

- **2/12 Rocky Mount/Tarboro** | Cooperative Extension Agricultural Center
- https://ncacayrockymount.eventbrite.com

- **2/22 Raleigh** | Trinity Baptist Church
- https://ncacayraleigh.eventbrite.com

Regional Raise the Age Meetings

- **3/1 Greensboro** | Christ United Methodist Church
- https://ncacaygreensboro.eventbrite.com

- **3/8 Concord** | McGill Baptist Church
- https://ncacayconcord.eventbrite.com

- **3/23 Asheville** | First Baptist Church
- https://ncacayasheville.eventbrite.com

Questions?