

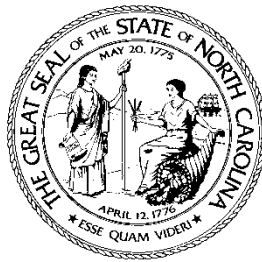
North Carolina
Sentencing and Policy Advisory Commission

**JUVENILE RECIDIVISM
STUDY:
FY 2008/09 JUVENILE SAMPLE**

Prepared By

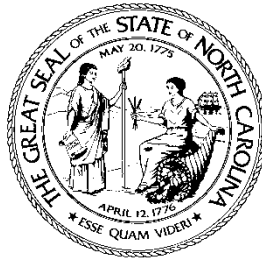
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JUVENILE RECIDIVISM STUDY: FY 2008/09 JUVENILE SAMPLE



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CHAPTER ONE
JUVENILE RECIDIVISM
STUDY DIRECTIVE AND METHODOLOGY

INTRODUCTION

In the 2005 Session of the General Assembly, the legislature amended Chapter 164 of the General Statutes to direct the North Carolina Sentencing and Policy Advisory Commission (hereinafter referred to as the Sentencing Commission) to conduct biennial juvenile recidivism studies on adjudicated youth in the state:

§ 164-48. Biennial report on juvenile recidivism.

The Judicial Department, through the North Carolina Sentencing and Policy Advisory Commission, shall conduct biennial recidivism studies of juveniles in North Carolina. Each study shall be based on a sample of juveniles adjudicated delinquent and document subsequent involvement in both the juvenile justice system and criminal justice system for at least two years following the sample adjudication. All State agencies shall provide data as requested by the Sentencing Commission.

The Sentencing and Policy Advisory Commission shall report the results of the first recidivism study to the Chairs of the Senate and House of Representatives Appropriation Committees and the Chairs of the Senate and House of Representatives Appropriation Subcommittees on Justice and Public Safety by May 1, 2007, and future reports shall be made by May 1 of each odd-numbered year.

This is the Sentencing Commission's fourth biennial report on juvenile recidivism, submitted to the North Carolina General Assembly on May 1, 2013.

THE JUVENILE JUSTICE SYSTEM

In North Carolina, juveniles are considered to be under the jurisdiction of the juvenile court if they are at least six years old and not older than 16 years old at the time that they are alleged to have committed a delinquent offense. However, juveniles who are at least 13 years of age and are alleged to have committed a felony may be transferred into the criminal justice system and tried as adults. For a juvenile who is alleged to have committed a Class A felony at age 13 or older, the court must transfer the case to Superior Court if probable cause is found in juvenile court. Juveniles who are alleged to have committed a delinquent offense are processed by, supervised by, and committed to the Department of Public Safety's Division of Juvenile Justice (DJJ).¹

¹ Effective January 1, 2012, Session Law 2011-145, Part XIX, consolidated the North Carolina Departments of Correction, Crime Control and Public Safety, and Juvenile Justice and Delinquency Prevention (DJJDP) into a single Department of Public Safety (DPS). The responsibilities of the former DJJDP have been assumed by DPS's Division of Juvenile Justice. The report refers to the departmental structure that became effective January 1, 2012.

In order to provide some context for this study, the following sections describe the processing of juveniles within the juvenile justice system. Juveniles who were adjudicated and received a disposition, as well as dispositional alternatives available to the court, are particularly highlighted.

Intake Process

All juveniles enter the juvenile justice system by having a formal complaint lodged by a law enforcement officer or private citizen. There are two types of complaints – the delinquency complaint alleges that a juvenile committed a criminal offense, while the undisciplined complaint alleges non-criminal behavior (*e.g.*, running away, unlawful absences from school, incorrigible behavior within the home). For purposes of this study, only juveniles who had a delinquency complaint will be discussed.

Any juvenile who is subject to a delinquency complaint must go through the intake process for the complaint to be screened and evaluated by a DJJ court counselor. The court counselor has up to 30 days to determine if a complaint should be handled outside the court, or if a complaint should be filed as a petition and set for a hearing before a juvenile court judge. The length and extent of the intake process is based primarily on whether a juvenile is charged with one of the most serious, statutorily defined group of offenses (*i.e.*, nondivertible offenses²) and/or whether a juvenile is confined in a detention center. During the intake phase, a court counselor conducts interviews with the juvenile, the parent, guardian, or custodian legally responsible for the juvenile, and other individuals who might have relevant information about the juvenile. Beginning in 2006, the risk and needs assessment was incorporated into the intake process for use in the initial decision to approve or not approve a complaint for filing, as well as for use at disposition. These assessments contain information pertaining to the juvenile's social, medical, psychiatric, psychological, and educational history, as well as any factors indicating the probability of the juvenile engaging in future delinquency. (*See* Appendix A.) Upon reviewing the information gathered during the evaluation, the court counselor determines if the complaint should be closed, diverted, or approved for filing as a petition and brought before the court.

If the court counselor decides that a case does not require further action, either by some form of follow-up by a court counselor or through a court hearing, the case is deemed closed. The juveniles in closed cases are typically less problematic and generally have little, if any, history of delinquent behavior. Closed cases constitute the lowest point of involvement in the juvenile justice system.

When a court counselor determines that a juvenile's case should not be brought to court, but that the juvenile is in need of follow-up and referral to a community-based resource (*e.g.*, restitution, counseling), the counselor can then divert the juvenile pursuant to a diversion plan that is developed in conjunction with the juvenile and the juvenile's parent, guardian, or custodian. If a more formal diversion plan is needed, the court counselor, juvenile, and juvenile's

² Nondivertible offenses are defined in N.C. Gen. Stat. (hereafter G.S.) 7B-1701 as murder, first- or second-degree rape, first- or second-degree sexual offense, arson, felony drug offense under Article 5 of G.S. Chapter 90, first-degree burglary, crime against nature, or a felony involving the willful infliction of serious bodily injury or which was committed by use of a deadly weapon.

responsible party enter into a diversion contract. Both the plan and the contract are in effect for up to six months, during which time a court counselor conducts periodic reviews to ensure the compliance of the juvenile and his/her parent, guardian, or custodian. Compliance with the recommendations of the plan or contract results in the finalization of the juvenile's diversion. If the parties fail to comply, the counselor may re-evaluate the decision to divert and subsequently file the complaint as a petition in juvenile court.

If a court counselor concludes, at any point in the intake process, that the juvenile would be best served by referring the case to court, the counselor can authorize the filing of the complaint as a petition and schedule it for a hearing before a juvenile court judge.

Pre-Dispositional Hearings

Probable Cause Hearing³

Probable cause hearings are held for all felony petitions in which the juvenile was at least 13 years old at the time of the alleged offense. During these hearings, the district attorney's office must present sufficient evidence to the court that shows there is probable cause to believe that the alleged offense was committed by the juvenile in question. If probable cause is not found, the court may either dismiss the proceeding or find probable cause that the juvenile committed a lesser included offense (*e.g.*, a misdemeanor) and proceed to the adjudicatory hearing, which can immediately follow the probable cause hearing or be set for another date. If probable cause is found and transfer to superior court is not statutorily required (*i.e.*, non-Class A felonies), the court may proceed to a transfer hearing, which can occur on the same day.

Transfer Hearing

At the transfer hearing, the court considers a number of factors in reaching a decision on whether the juvenile's case will be transferred to superior court. If the case is transferred, the juvenile is tried as an adult and is subject to the adult sentencing options. If the judge retains juvenile court jurisdiction and does not transfer the juvenile to superior court, the case then proceeds to the adjudicatory hearing, which can immediately follow the transfer hearing or be set for a later date.

Adjudicatory Hearing

The adjudicatory hearing allows for the court to hear evidence from the district attorney, the juvenile's attorney, and their witnesses in order to make a determination of whether or not the juvenile committed the act(s) alleged in the petition(s). If the court finds that the allegations in the petition have not been proven "beyond a reasonable doubt," the petition is dismissed and the matter is closed. If the court finds that the allegations have been proven, the juvenile is adjudicated delinquent and the court proceeds to the dispositional hearing.

³ Prior to a probable cause hearing, juveniles with a felony petition are scheduled for a first appearance hearing during which a judge determines whether the juvenile has an attorney and provides the juvenile and parent or responsible party with information pertaining to the allegation and future hearings.

Dispositional Hearing

Overview of the Process

The dispositional hearing, which may or may not occur on the same date as the adjudicatory hearing, marks the part of the process in which the court decides the sanctions, services, and conditions that will be ordered for the juvenile as a result of the adjudicated offense(s). G.S. 7B-2500 states that the purposes of a disposition are “to design an appropriate plan to meet the needs of the juvenile and to achieve the objectives of the State in exercising jurisdiction, including the protection of the public.”

In most cases, juvenile court judges use the predisposition report, which is prepared by the court counselor’s office, in developing a disposition. Risk and needs assessments are attached to this report.

As shown in Table 1.1, the court’s selection of dispositional alternatives is governed by statute through a graduated sanctions chart that classifies juvenile offenders according to the seriousness of their adjudicated offense (vertical axis) and the degree and extent of their delinquent history (horizontal axis). (*See Appendix B for more detailed information.*)

**Table 1.1
Juvenile Disposition Chart**

Offense Classification	Delinquency History Level		
	Low 0 – 1 point	Medium 2 – 3 points	High 4 or more points
Violent Class A – E felonies	Level 2 or 3	Level 3	Level 3
Serious Class F – I felonies Class A1 misdemeanors	Level 1 or 2	Level 2	Level 2 or 3
Minor Class 1 – 3 misdemeanors	Level 1	Level 1 or 2	Level 2

Once the court has determined the offense classification and the delinquency history level for the juvenile, the dispositional level can be ascertained. Each cell within the juvenile disposition chart authorizes one or more dispositional levels for a particular combination of offense classification and delinquency history level. There are three different dispositional levels – Level 1, Level 2, and Level 3 – each of which offers its own list of dispositional alternatives.

Dispositional Alternatives

Level 1 (Community)

A Level 1 or community disposition offers the court less restrictive dispositional alternatives such as probation, community-based programs, non-residential and residential treatment programs, lower degrees of community service and restitution, and sanctions that place specific limitations on a juvenile (*e.g.*, curfew, no association with specified persons, not be in specified places). (*See* Appendix C for a complete list of dispositional alternatives for all three levels.) It is noteworthy that many of the community-based programs for adjudicated youth who can receive a Level 1 or 2 disposition are funded through Juvenile Crime Prevention Council (JCPC) allocations.

Level 2 (Intermediate)

Level 2 or intermediate dispositions are generally more restrictive than Level 1 dispositions. Level 2 dispositional alternatives include options such as intensive probation, group home placements (*e.g.*, multipurpose group homes), regimented training programs, and house arrest. For Level 2 dispositions, a juvenile can be ordered to make restitution that is in excess of \$500 or perform up to 200 hours of community service. The court can also utilize any Level 1 dispositional option for a juvenile adjudicated at Level 2.

Several Level 2 options that offer a more restrictive environment for adjudicated juveniles are available for Level 1 dispositions as well. Wilderness programs serve juveniles with behavioral problems in a year-round, residential therapeutic environment.⁴ Supervised day programs, which allow a juvenile to remain in the community through a highly structured program of services, also represent an alternative that is available at both Level 1 and Level 2 dispositional levels.

An even more restrictive option is available for Level 1 or 2 dispositions in the form of intermittent confinement in a detention center. Detention centers are facilities that are approved to provide secure, temporary confinement and care for juveniles who meet statutorily defined criteria.⁵ The court can impose intermittent confinement for no more than five 24-hour periods as part of a Level 1 disposition. When a Level 2 disposition is authorized, the court can impose confinement on an intermittent basis for up to fourteen 24-hour periods. Because of the short-term nature of detention, programs and services offered in these centers are limited.

Level 3 (Commitment)

A Level 3 or commitment disposition provides the most restrictive sanction available to a juvenile court judge, commitment to the DJJ for placement in a Youth Development Center

⁴ The wilderness camps serve a diverse group of juveniles, including those displaying problematic behavior who are not court-involved.

⁵ In addition to utilizing a detention placement as a dispositional alternative, juveniles can also be detained by the court pending their adjudicatory or dispositional hearing, or their adult hearing following the transfer of the case from juvenile court.

(YDC). A YDC, as defined in G.S. 7B-1501(29), is “a secure residential facility authorized to provide long-term treatment, education, and rehabilitative services for delinquent juveniles committed by the court to the Division [DJJ].” Unless a youth is under the age of 10, a court exercising jurisdiction over a juvenile for whom a Level 3 disposition is authorized must commit the juvenile to the DJJ for placement in a YDC.⁶ However, G.S. 7B-2513(e) states that the DJJ, following assessment of a juvenile, may provide commitment services to the juvenile in a program not located in a YDC or detention facility (*i.e.*, community placement). Another exception gives the court discretion to impose a Level 2 disposition rather than a Level 3 disposition if the court makes written findings that substantiate extraordinary needs on the part of the juvenile in question.

The length of a juvenile’s commitment must be at least six months; however, there are statutory provisions for extended jurisdiction for committed youth.⁷ Upon completion of their term of commitment, juveniles are subject to a minimum of 90 days of post-release supervision. The DJJ currently houses approximately 250 committed juveniles in four YDCs.

JUVENILE RECIDIVISM RESEARCH DESIGN

The research design for the 2013 biennial juvenile recidivism study was first specified in the Sentencing Commission’s “Report on the Proposed Methodology for Measuring Juvenile Recidivism in North Carolina” to the General Assembly.⁸ Based on that blueprint, the research strategy for the current study included:

- The selection of a population of juveniles brought to court with a delinquent complaint adjudicated, dismissed, diverted, or closed during the sample period of July 1, 2008 through June 30, 2009.
- The tracking of all juveniles in the sample for a fixed three-year follow-up period from their first court involvement in the sample period.
- The definition of recidivism as all subsequent delinquent complaints and adult arrests within the three years following the first event date that placed the juvenile in the sample.

It should be noted that this methodology expands the study beyond its legislatively mandated scope. Juveniles adjudicated delinquent are studied within the context of all juveniles who were the subject of a delinquent complaint in FY 2008/09, and the sample is followed for a three-year period to capture their delinquent and criminal re-involvement.

⁶ Pursuant to G.S. 7B-2508(d), a court may impose a Level 3 disposition (commitment to a YDC) in lieu of a Level 2 disposition if the juvenile has previously received a Level 3 disposition in a prior juvenile action. Additionally, G.S. 7B-2508(g) allows for juveniles who have been adjudicated of a Minor offense to be committed to a YDC if the juvenile has been adjudicated of four or more prior offenses.

⁷ G.S. 7B-2513(a).

⁸ North Carolina Sentencing and Policy Advisory Commission, *Report on the Proposed Methodology for Measuring Juvenile Recidivism in North Carolina Pursuant to Session Law 2004-124, Section 16.5*, Raleigh, NC: North Carolina Sentencing and Policy Advisory Commission, 2005.

Sample

There were 17,660 juveniles identified in the DJJ's automated database who had their delinquent complaint either adjudicated, dismissed, diverted or closed without further action between July 1, 2008 and June 30, 2009. The three-year fixed follow-up was calculated individually for each juvenile from the date of the event that prompted their inclusion in the sample. If a juvenile had more than one sample event during the sample period, his/her case was grouped based on the earliest of these events. If a juvenile had two or more court events on the same day, the most serious of these events was counted as the prompt for inclusion in the sample.

Applying these criteria, the 17,660 sample juveniles were divided into four groups based on their level of involvement for their first court event: juveniles with cases adjudicated (n=5,826), dismissed (n=2,117), diverted (n=5,014), or closed (n=4,703).

Outcome Measures

The primary outcome measure of recidivism was defined as either a delinquent juvenile complaint or an adult arrest that occurred within the three-year follow-up subsequent to the initial event. Additional measures of recidivism included the offense severity of recidivistic events, as well as subsequent adjudications and convictions.

Data Sources and Enhancements

Information for this report was collected from two sources:

- North Carolina Juvenile Online Information Network (NC-JOIN) – the DJJ's management information system contains data on all juveniles brought to court with delinquent and undisciplined complaints received in a juvenile court counselor office; their demographic and social history information; sample offense and disposition; and prior and subsequent involvement in the juvenile justice system.⁹
- North Carolina Department of Justice (DOJ) automated database – the Computerized Criminal History (CCH) system – includes information on fingerprinted adult arrests and convictions for the sample subjects.¹⁰

⁹ DJJ's NC-JOIN data that were used to determine the most serious delinquent activity alleged in the complaint (*i.e.*, sample offense), prior delinquent complaints/adjudications, and subsequent complaints/adjudications include all felonies and misdemeanors. These data exclude infractions, local ordinances, and most G.S. Chapter 20 (*i.e.*, traffic) offenses from the analysis; only the more serious traffic offenses (*e.g.*, misdemeanor death by vehicle) were included.

¹⁰ DOJ's CCH data were used to determine recidivist arrests and convictions in North Carolina. Recidivist arrests were defined as fingerprinted arrests that occurred after a juvenile in the sample turned 16 years old. Although North Carolina's local law enforcement jurisdictions are required to fingerprint all felonies and only the more serious misdemeanors, most misdemeanor arrests have been consistently fingerprinted across the state. This report includes Class A1 through Class 3 misdemeanor arrests and convictions. Similar to the data extracted from DJJ's NC-JOIN, the data exclude infractions, local ordinances, and most G.S. Chapter 20 (*i.e.*, traffic) offenses from the analysis; only the more serious traffic offenses (*e.g.*, misdemeanor death by vehicle) were included.

The final data set for this study consists of over 150 items of information (or variables) for the sample of 17,660 juveniles. A case profile was constructed for each juvenile, comprised of personal and delinquency history characteristics, the most serious current delinquent complaint, the outcome of that complaint (*e.g.*, adjudicated, dismissed, diverted, or closed), and re-involvement with the juvenile justice system (*i.e.*, subsequent complaints and adjudications) or criminal justice system (*i.e.*, adult arrest and conviction).

In addition to elements included in the Sentencing Commission's prior reports, several enhancements were made to the data provided in this report:

- Measures of prior juvenile justice activity are included in the analysis of delinquency history. These measures include prior delinquent complaints, prior adjudications, prior detention center admissions, and prior Youth Development Center commitments.
- This study included Risk and Needs Assessments administered to juveniles during the intake process for all four of the sample groups.

ANALYSIS AND REPORT OUTLINE

Chapter Two provides a basic statistical profile of the juveniles whose cases were adjudicated delinquent, dismissed, diverted, or closed in North Carolina between July 1, 2008 and June 30, 2009. It also describes the sample in terms of risk and needs as determined by the Risk and Needs Assessments.

Chapter Three describes the sample's subsequent (*i.e.*, recidivistic) involvement in the juvenile and criminal justice systems during the three-year follow-up period.

Finally, Chapter Four summarizes the findings of the report and offers some policy implications and conclusions.

CHAPTER TWO

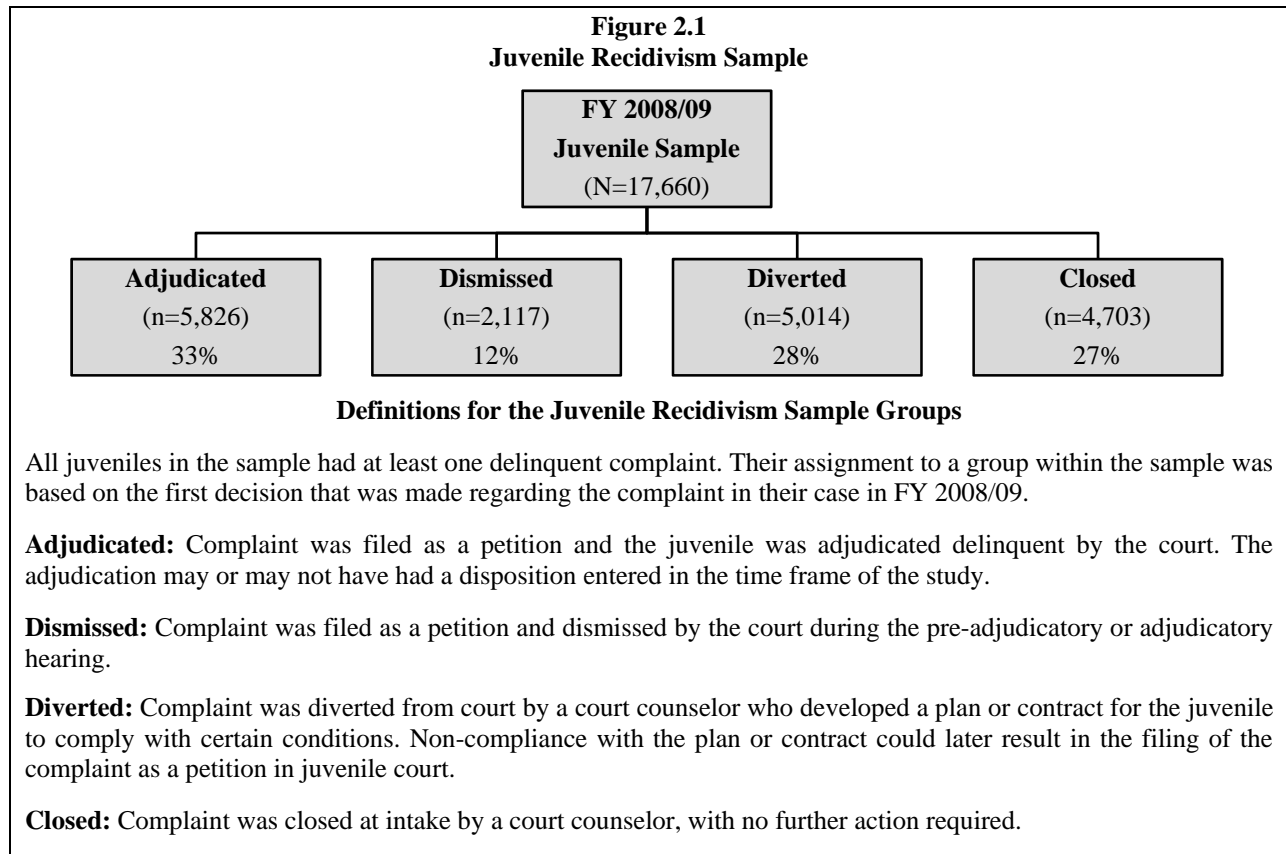
STATISTICAL PROFILE OF THE FY 2008/09 JUVENILE SAMPLE

This chapter profiles a cohort of juveniles processed through North Carolina's juvenile justice system from July 1, 2008 through June 30, 2009. The chapter describes the sample selection process and provides a statistical profile of the juvenile sample.

SAMPLE SELECTION

All of the 17,660 juveniles studied in the sample were brought to the attention of the juvenile justice system with at least one delinquent complaint. Based on the first decision that was made regarding their case in FY 2008/09, they were assigned to one of four levels of involvement – juveniles with complaints that were adjudicated, dismissed, diverted, or closed.¹¹ If more than one decision or event occurred on the same day, the juvenile was assigned to a group based on the most serious event, as determined by the level of involvement in the system from a closed case (least serious) to diversion, dismissal, and adjudication (most serious).

As shown in Figure 2.1, there were 5,826 juveniles in the sample whose cases were adjudicated, 2,117 juveniles whose cases were dismissed, 5,014 juveniles whose cases were



¹¹ See Appendix D for additional information about juveniles who were adjudicated and disposed and Appendix E for additional information about juveniles who were diverted.

diverted, and 4,703 juveniles whose cases were closed during the sample period. The information available for all four sample groups included basic demographic data, delinquency history, offense charges, and risk and needs assessments.

PERSONAL CHARACTERISTICS

Table 2.1 presents the distribution of the demographic characteristics for the closed, diverted, dismissed, and adjudicated groups. At the time of their alleged delinquent act, the juveniles' mean age was 13.6 years, with a median of 14.0 years. The majority of juveniles (64.3%) were 14 or 15 years old when the offense occurred. The adjudicated group had a slightly lower proportion of juveniles nine years or younger and a higher proportion of juveniles 14 years and older.

Table 2.1
Demographic Profile of Juveniles by Level of Involvement

Demographic Profile	Level of Involvement				All	
	Adjudicated n=5,826	Dismissed n=2,117	Diverted n=5,014	Closed n=4,703	#	%
Gender	%	%	%	%	#	%
Male	78.7	73.7	68.3	65.3	12,642	71.6
Female	21.3	26.3	31.7	34.7	5,018	28.4
Race^a	%	%	%	%	#	%
Black	50.7	56.3	45.9	52.6	8,924	50.5
White	37.9	32.4	44.0	36.2	6,801	38.5
Latino	6.3	5.7	5.5	6.6	1,074	6.1
Other/Unknown	5.1	5.6	4.6	4.6	861	4.9
Age at Offense						
Mean	13.9	13.6	13.5	13.5	13.6	
Median	14.0	14.0	14.0	14.0	14.0	
Age at Offense	%	%	%	%	#	%
6-9 Years	1.1	3.0	3.5	4.2	499	2.8
10 Years	1.1	2.5	2.3	2.1	337	1.9
11 Years	3.5	4.4	5.0	5.3	796	4.5
12 Years	8.7	8.7	11.8	9.0	1,707	9.7
13 Years	16.9	17.3	17.8	15.5	2,971	16.8
14 Years	28.3	26.5	27.5	26.7	4,842	27.4
15 Years	40.4	37.6	32.1	37.2	6,508	36.9

^a Due to low percentages, American Indian, Asian, and multi-racial juveniles were combined with other/unknown into one category.

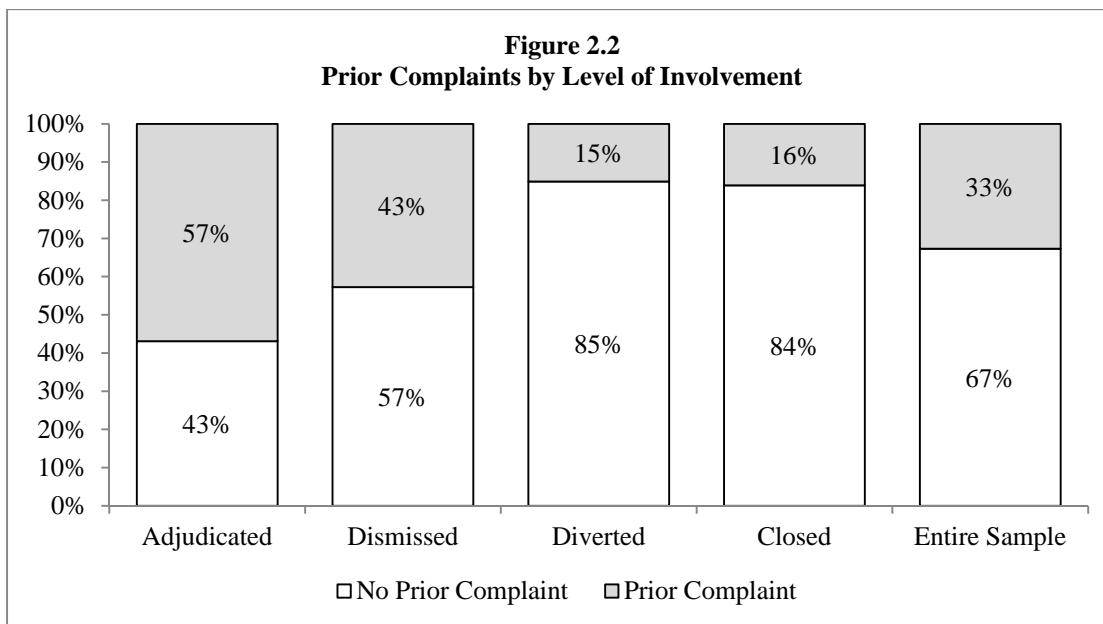
Source: NC Sentencing and Policy Advisory Commission, FY 2008/09 Juvenile Recidivism Sample

Almost 72% of the sample juveniles were male. Adjudicated juveniles had the highest percentage of males at 78.7% while the juveniles whose cases were closed had the lowest percentage of males at 65.3%.

Almost 51% of the juveniles in the sample were black, 38.5% were white, 6.1% were Latino, and 4.9% were identified as other or unknown. The dismissed group had the highest percent of black juveniles (56.3%), while the diverted group had the lowest percent (45.9%).

DELINQUENCY HISTORY

It is important to look at whether or not juveniles in the sample had contact with the juvenile justice system prior to their entry into the sample to gain an understanding of the juveniles' frequency of interaction with the system.¹² Figure 2.2 and Table 2.2 contain information on the juvenile's prior delinquent complaints by level of current involvement. Overall, 33% of the juveniles had at least one delinquent complaint prior to sample entry. Fifty-seven percent of the adjudicated juveniles, the highest percentage compared to the other groups, had at least one prior complaint. Forty-three percent of the dismissed juveniles had a prior complaint. Both the adjudicated and dismissed groups had substantially higher percentages of juveniles with a prior complaint than the diverted and closed groups at 15% and 16% respectively. It should be noted that a possible reason for the adjudicated and dismissed groups having higher percentages of juveniles with a prior complaint than the diverted and closed groups is due to the relationship between a juvenile having a prior complaint and having their case referred to court.



Source: NC Sentencing and Policy Advisory Commission, FY 2008/09 Juvenile Recidivism Sample

¹² For the purposes of this report, the term “prior complaint” refers to the most serious delinquent activity alleged in the complaint for the adjudicated, dismissed, diverted, or closed groups. Infractions, local ordinances, and most G.S. Chapter 20 (*i.e.*, traffic) offenses were excluded from the analysis; only the more serious traffic offenses (*e.g.*, misdemeanor death by vehicle) were included. Prior complaints, adjudications, and detention admissions occurred prior to the date the delinquent complaint was received that placed the juvenile in the sample.

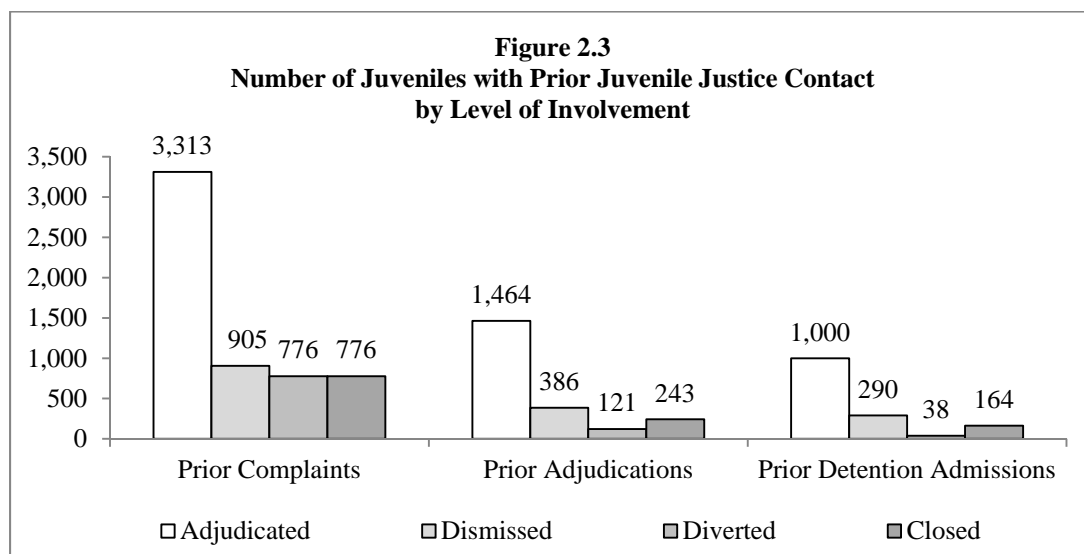
To examine the length of time available for the juveniles to have prior contact with the juvenile justice system, Table 2.2 contains the percentage of juveniles with at least one prior contact by the age at sample event. As expected, the younger juveniles, six to nine years at sample entry, had fewer prior complaints filed (8.3%) compared to the older juveniles – 36.4% for 14 to 15 year olds and 51.8% for those 16 years and over. This finding holds true regardless of the level of involvement.

Table 2.2
Prior Complaints by Age at Sample Event and Level of Involvement

Level of Involvement	N	Overall % with a Prior Compl.	% with at Least One Prior Complaint by Age at Sample Event				
			6-9 Years n=435	10-11 Years n=1,004	12-13 Years n=4,188	14-15 Years n=10,690	16+ Years n=1,343
Adjudicated	5,826	56.9	20.0	41.2	46.1	60.9	62.9
Dismissed	2,117	42.8	14.3	18.0	28.8	46.7	58.1
Diverted	5,014	15.5	7.6	7.4	11.3	18.3	28.6
Closed	4,703	16.5	5.0	6.3	11.0	19.6	27.0
TOTAL	17,660	32.7	8.3	15.4	23.6	36.4	51.8

Source: NC Sentencing and Policy Advisory Commission, FY 2008/09 Juvenile Recidivism Sample

In addition to the prior complaints, the prior juvenile justice contact measures included adjudications, YDC commitments, and detention admissions. Figure 2.3 provides the number of juveniles by the type of prior juvenile justice contact and by level of involvement. More



Note: Detention admissions include both pre- and post-adjudication detention.

Source: NC Sentencing and Policy Advisory Commission, FY 2008/09 Juvenile Recidivism Sample

adjudicated juveniles had experienced prior contacts with the juvenile justice system than the other three groups, whether it was complaints, adjudications or detention admissions. Overall, the diverted group had the least number of juveniles with any prior delinquent activity. The figure does not report prior YDC commitments due to the low number of juveniles with a prior YDC commitment. Only 59 juveniles out of the 17,660 in the sample were committed to a YDC by DJJ prior to sample entry – 33 of the adjudicated, 18 of the dismissed, two of the diverted, and six of the closed group.

DJJ SUPERVISION

Eight percent of the 17,660 juveniles in the sample were under some type of DJJ supervision at the time the alleged sample delinquent act was committed (*see* Table 2.3). The adjudicated and dismissed juveniles whose cases penetrated further into the juvenile justice system were more likely to be under DJJ supervision (18.2% and 12.7% respectively) than the juveniles who had their cases diverted or closed (0.4% and 2.4% respectively). As previously seen in the prior complaints findings, there is a relationship between those juveniles referred to court and having prior contact with the juvenile justice system (*e.g.*, under DJJ supervision).

Table 2.3
Under DJJ Supervision at the Time of Sample Offense by Level of Involvement

DJJ Supervision at the Time of Sample Offense	Level of Involvement				All	
	Adjudicated n=5,826	Dismissed n=2,117	Diverted n=5,014	Closed n=4,703	N=17,660	
	%	%	%	%	#	%
Under Supervision	18.2	12.7	0.4	2.4	1,459	8.3
Not Under Supervision	81.8	87.3	99.6	97.6	16,201	91.7

Note: DJJ supervision includes YDC commitment, probation supervision, post-release supervision, continuation of services, protective supervision, or other situations where a court counselor provides supervision and service for a juvenile.

Source: NC Sentencing and Policy Advisory Commission, FY 2008/09 Juvenile Recidivism Sample

MOST SERIOUS SAMPLE OFFENSE

A comparison of the groups with respect to their offense profile is provided in Table 2.4. The most serious delinquent activity alleged in the complaint was used to compare juveniles whose cases were closed, diverted, dismissed, or adjudicated.¹³

¹³ For the purposes of this report, the term “sample offense” refers to the most serious delinquent activity alleged in the complaint for the adjudicated, dismissed, diverted, or closed groups. Infractions, local ordinances, and most G.S. Chapter 20 (*i.e.*, traffic) offenses were excluded from the analysis; only the more serious traffic offenses (*e.g.*, misdemeanor death by vehicle) were included.

Table 2.4
Most Serious Sample Offense by Level of Involvement

Most Serious Sample Offense	Level of Involvement				All	
	Adjudicated n=5,826	Dismissed n=2,117	Diverted n=5,014	Closed n=4,703	N=17,660	
	%	%	%	%	#	%
Offense Type						
Felony	29.6	20.4	3.0	1.6	2,380	13.5
Misdemeanor	70.4	79.6	97.0	98.4	15,280	86.5
Offense Classification						
Violent	4.3	2.7	0.0	0.0	311	1.8
Serious	34.0	24.4	8.7	5.6	3,195	18.1
Minor	61.7	72.9	91.3	94.4	14,154	80.1

Source: NC Sentencing and Policy Advisory Commission, FY 2008/09 Juvenile Recidivism Sample

Almost 87% of the 17,660 juveniles had a misdemeanor as their most serious sample offense. Felonies comprised 29.6% and 20.4%, respectively, of the offenses for the adjudicated and dismissed groups, but only 3.0% and 1.6%, respectively, of the offenses for the diverted and closed groups. Overall, 1.8% of the sample were charged with violent offenses (felony offense classes A through E), 18.1% were charged with serious offenses (felony offense classes F through I and misdemeanor class A1), and 80.1% were charged with minor offenses (misdemeanor classes 1 through 3).¹⁴ None of the juveniles with closed or diverted cases were charged with violent offenses and only a small percentage were charged with serious offenses. These findings reflect both legal and court counselor considerations such as continued court involvement for nondivertible and other serious felonies with further penetration in the juvenile justice system, and closing the case or seeking diversion for those juveniles with less serious offenses (especially those charged with misdemeanors).

RISK AND NEEDS ASSESSMENTS

DJJ staff administers risk and needs assessments to all juveniles to assess the risk of future delinquency and the individual needs of all juveniles during the intake process.¹⁵ Table 2.5

¹⁴ See Chapter One and Appendix B for a discussion of offense classifications in the Juvenile Disposition Chart.

¹⁵ Prior to 2006, only the juveniles adjudicated were required to have these assessments completed. See Appendix A for a copy of the North Carolina Assessment of Juvenile Risk of Future Offending and the North Carolina Assessment of Juvenile Needs instruments. See Appendix A for information on the number and percentage of juveniles with a risk and/or needs assessment for the sample. Overall, 84.2% of the juveniles had a completed risk and/or needs assessment. Most juveniles adjudicated (96.5%) and juveniles diverted (88.4%) had a risk and/or needs assessment completed. Fewer juveniles dismissed (73.3%) and juveniles closed (69.5%) had completed risk and/or

Table 2.5
Select Risk and Needs Indicators

Risk Assessment	Adjudicated n=5,498 %	Dismissed n=1,520 %	Diverted n=4,335 %	Closed n=3,195 %	All N=14,548 %
First Referral Before Age 12	12.5	14.7	11.9	13.2	12.7
Prior Intake Referrals	51.5	43.0	16.6	18.5	33.0
Prior Adjudications	29.3	21.9	3.3	5.5	15.5
Prior Assaults	23.6	20.9	9.8	9.8	16.2
Had Run Away	16.5	13.3	3.9	3.3	9.5
Had School Behavior Problems	89.5	82.4	81.1	75.1	83.1
Parents/Guardians Unwilling/Unable to Provide Parental Supervision	28.6	22.4	7.3	5.8	16.6
Needs Assessment	n=5,597 %	n=1,531 %	n=4,263 %	n=3,179 %	N=14,570 %
Functioning Below Academic Grade Level	18.9	14.7	9.1	7.5	13.1
Juvenile Parent Status (<i>i.e.</i> , is a parent)	1.1	1.2	0.5	0.8	0.8
History of Victimization	20.4	14.9	11.5	8.5	14.6
Risky Sexual Behavior	10.1	7.2	2.6	1.4	5.7
Mental Health Needs Are Being Addressed	75.7	57.0	49.2	31.1	56.3
Basic Needs Are Not Being Met	0.7	0.4	0.1	0.1	0.4
Impaired Functioning (<i>i.e.</i> , medical, dental, health/hygiene)	0.8	0.5	0.4	0.4	0.6
Conflict in the Home	27.9	21.8	11.2	7.0	17.8
Parent, Guardian or Custodian has Disabilities	5.0	4.8	2.5	1.7	3.5
One or More Members of Household Have Substance Abuse Problems	12.8	10.8	6.3	3.6	8.7
Indication of Family Members Involvement in Criminal Activity	42.8	34.9	26.5	21.7	32.6
Combined Risk and Needs Measures	n=5,619 %	n=1,551 %	n=4,431 %	n=3,269 %	N=14,870 %
Substance Use	40.5	29.5	20.4	12.3	27.1
Gang Affiliation	13.5	10.1	3.4	2.5	7.7
Negative Peer Relationships	79.6	71.8	50.9	39.2	61.4

Note: There were 3,112 juveniles with missing risk assessments, 3,090 juveniles with missing needs assessments, and 2,790 juveniles missing risk and/or needs assessments for the combined risk and needs measures.

Source: NC Sentencing and Policy Advisory Commission, FY 2008/09 Juvenile Recidivism Sample

needs assessments; therefore, some caution should be taken when interpreting the risk and needs findings for these two groups. For this report, risk and/or needs assessments were analyzed if the assessment was completed within a year of the date the complaint was received. Eighty-one percent of the juveniles with a risk and/or needs assessment had their assessment completed within 30 days.

lists select results of the assessments for the four groups and for the sample. Most notable among the risk factors, 83.1% of the juveniles had school behavior problems, 33.0% had at least one prior intake referral, 16.2% had at least one prior assault, and 16.6% had parents/guardians who were unwilling or unable to provide parental supervision. In general, the adjudicated and dismissed groups had more risk factors than the diverted and closed groups. For two of the risk indicators, having a first referral before age 12 and having school behavior problems, all four groups were similar in their risk behavior.

The needs assessment revealed that very few juveniles had basic needs that were not being met (0.4%). Most juveniles identified with mental health needs were having those needs addressed (56.3%). Problems related to home-life were also evident, with 32.6% of the juveniles having criminality in their family, 17.8% experiencing conflict in the home, and 14.6% having some history of victimization. As seen with the risk indicators, the adjudicated and dismissed groups had more needs than the diverted and closed groups, with the adjudicated group having the highest percentage for all the needs indicators compared to the other groups.

Combining risk and needs indicators, 27.1% of the juveniles had substance abuse problems, while 61.4% had negative peer relationships and 7.7% reported some type of gang affiliation. Again, adjudicated juveniles had a greater proportion of juveniles with higher risk and needs indicators compared to the other three groups.

Using the assessment instruments, separate risk and needs scores were computed for each juvenile, placing the juvenile in a low, medium, or high level for both risk and needs. Table 2.6 contains the risk and needs levels for each group and for the entire sample. Overall, there were

Table 2.6
Risk Level and Needs Level by Level of Involvement

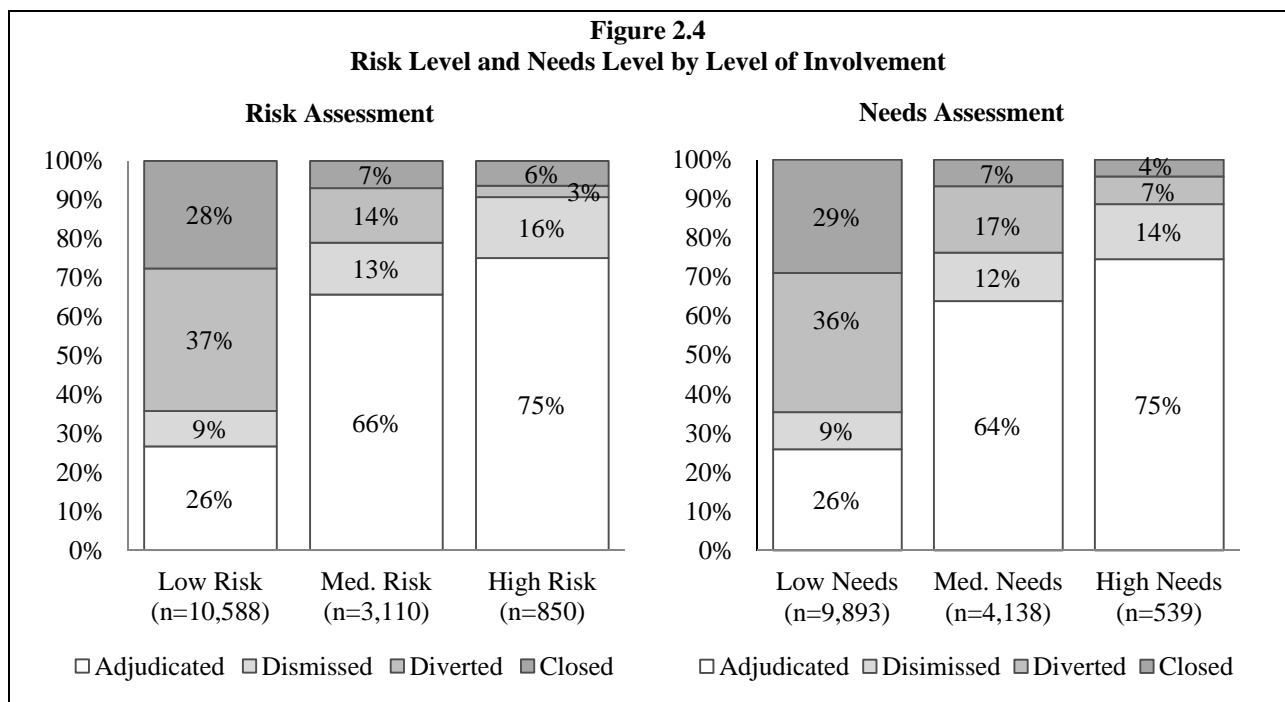
	Level of Involvement				Total
	Adjudicated	Dismissed	Diverted	Closed	
Risk Level	n=5,798 %	n=1,520 %	n=4,335 %	n=3,195 %	N=14,548 %
Low	51.3	64.0	89.4	91.5	72.8
Medium	37.1	27.2	10.1	6.8	21.4
High	11.6	8.8	0.6	1.7	5.8
Needs Level	n=5,597 %	n=1,531 %	n=4,263 %	n=3,179 %	N=14,570 %
Low	45.7	61.6	82.6	90.4	67.9
Medium	47.1	33.4	16.5	8.9	28.4
High	7.2	5.0	0.9	0.7	3.7

Note: There were 3,112 juveniles with missing risk assessments and 3,090 juveniles with missing needs assessments.

Source: NC Sentencing and Policy Advisory Commission, FY 2008/09 Juvenile Recidivism Sample

few juveniles that were high risk or high needs (5.8% and 3.7% respectively). Almost two-thirds of the juveniles were low risk or low needs (72.8% and 67.9% respectively). Fewer adjudicated and dismissed juveniles were low risk and more were high risk than the diverted and closed juveniles; the same trend was found with the needs level.

For assessed juveniles, Figure 2.4 examines the composition of the risk and needs levels by level of involvement. Of the juveniles assessed as being low risk, the majority (37%) were diverted. Adjudicated juveniles comprised the majority of the juveniles in the medium and high risk levels (66% and 75% respectively). Juveniles whose cases were closed represented the lowest percentage of medium risk juveniles (7%), while those who were diverted represented the lowest percentage of high risk juveniles (3%). A similar pattern was found with the composition of the needs level.



Note: There were 3,112 juveniles with missing risk assessments, and 3,090 juveniles with missing needs assessments.

Source: NC Sentencing and Policy Advisory Commission, FY 2008/09 Juvenile Recidivism Sample

Sixty-one percent of the juveniles scored in the lowest levels of both needs and risk (61.2%), and only a small group (1.6%) demonstrated both a high level of needs and risk. (See Table 2.7.) Seventy-six percent of the sample placed in the same level of needs and risk (as highlighted in the shaded diagonal cells of Table 2.8). Upon closer examination of the low risk and low needs juveniles (61.2%), there were differences by level of involvement. Fewer adjudicated juveniles (35.7%) were low risk and low needs compared to 51.6% of the dismissed, 78.7% of the diverted, and 87.6% of the closed sample.

**Table 2.7
Risk Level by Needs Level**

Risk Level	N	Needs Level			% Total n=14,248
		% Low n=9,682	% Medium n=4,039	% High n=527	
Low	10,324	61.2	10.9	0.4	72.5
Medium	3,079	6.3	13.6	1.7	21.6
High	845	0.5	3.9	1.6	5.9
TOTAL	14,248	68.0	28.3	3.7	100.0

Note: For this table, there were 3,412 juveniles missing either a risk or needs assessment.

Source: NC Sentencing and Policy Advisory Commission, FY 2008/09 Juvenile Recidivism Sample

CHAPTER SUMMARY

The following bulleted items highlight the key findings in Chapter Two:

- The 17,660 juveniles comprising the FY 2008/09 sample were grouped based on their level of involvement in the juvenile justice system. The four levels, ranked from most to least serious, included juveniles whose cases were either adjudicated (n=5,826), dismissed (n=2,117), diverted (n=5,014), or closed (n=4,703).
- Of the sample juveniles, 71.6% were male, 50.5% were black, and the mean age was 13.6 years.
- Thirty-three percent of the juveniles had at least one delinquent complaint prior to sample entry. Juveniles adjudicated had the highest prior juvenile justice contact (57%) compared to the other three groups. As expected, examination of the juvenile’s age at sample entry and prior delinquent history revealed that older juveniles (14 years and older) had the highest percentage of juveniles with a prior delinquent complaint.
- Most juveniles (86.5%) had a misdemeanor as their most serious sample offense. Few juveniles were charged with a violent offense (1.8%) or with a serious offense (18.1%); the majority were charged with a minor offense (80.1%).
- Few juveniles were assessed as being high risk (5.8%) or high needs (3.7%). Most were low risk (72.8%) or low needs (67.9%). For the assessed juveniles, the juveniles adjudicated comprised the majority of medium and high risk as well as the medium and high needs.

The next chapter provides the recidivism results for the FY 2008/09 juvenile sample.

CHAPTER THREE

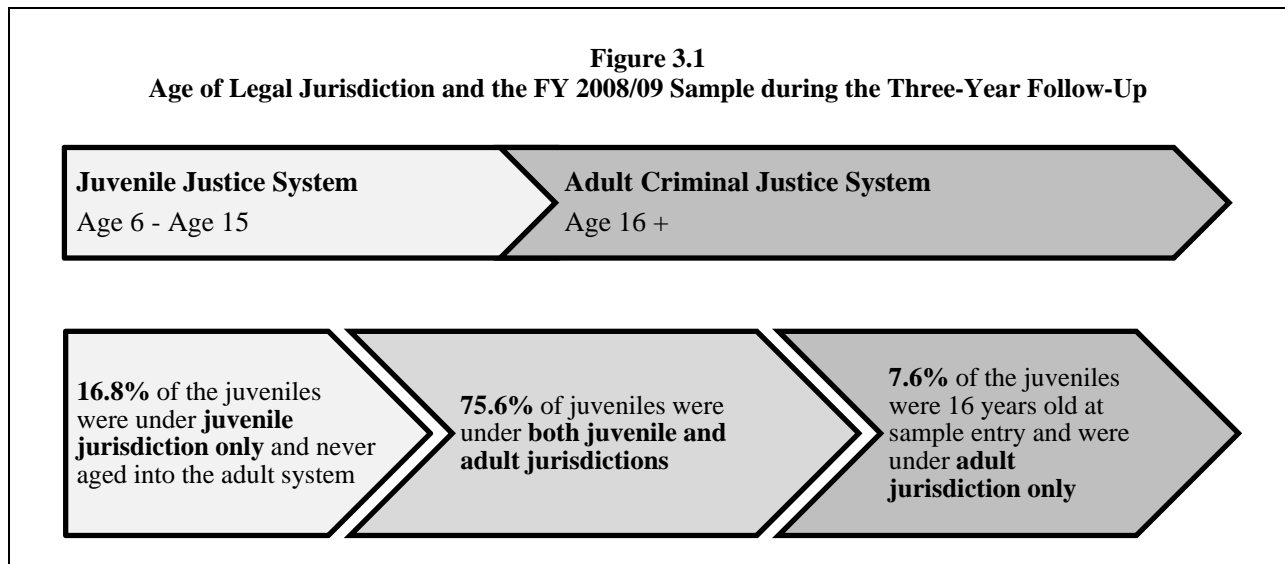
RECIDIVISM IN THE JUVENILE JUSTICE AND CRIMINAL JUSTICE SYSTEMS

Juveniles in the FY 2008/09 sample were tracked in the juvenile justice system and/or the adult criminal justice system to determine whether they re-offended during the three-year follow-up. The primary measures of recidivism for this study were delinquent juvenile complaints and fingerprinted adult arrests that occurred subsequent to the FY 2008/09 event placing the juvenile in the sample.

FOLLOW-UP PERIOD AND TIME AT RISK

Each juvenile in the sample was followed for a period of three years to determine whether subsequent involvement with the juvenile justice or adult criminal justice systems occurred. The follow-up period was calculated individually by using the date a decision (*e.g.*, diversion, adjudication) was reached in the juvenile's case as the starting point.

Given that the age of adult jurisdiction in North Carolina is 16 years, a large number of juveniles in the FY 2008/9 sample reached the age of criminal responsibility during the three-year follow-up. Most juveniles (75.6%) spent at least a portion of the three-year follow-up under both juvenile and adult jurisdiction (*see* Figure 3.1). Another 16.8% of the juveniles remained solely under the jurisdiction of the juvenile justice system for the entire three-year period and

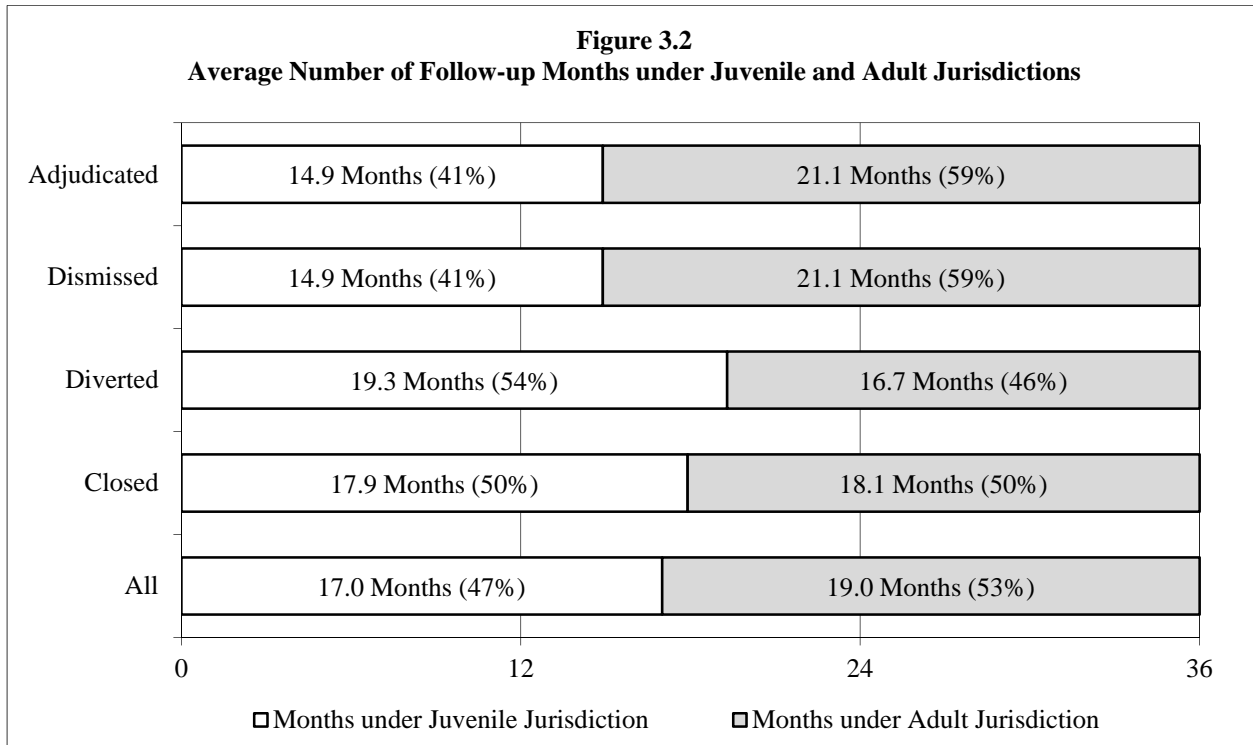


Source: NC Sentencing and Policy Advisory Commission, FY 2008/09 Juvenile Recidivism Sample

were never under adult jurisdiction. A smaller portion of the juveniles (7.6%) had already turned 16 years old at sample entry and were under adult jurisdiction for their entire three-year follow-up. In examining recidivism as an overall measure, each juvenile – whether under juvenile or adult jurisdiction – was followed for a three-year period for any new encounter (complaint, arrest, or both). In addition, a separate measure of subsequent juvenile complaints was examined for those sample subjects who were under juvenile jurisdiction at least some of the time, and a

measure of adult arrests was computed for those sample subjects who were under adult jurisdiction at least some of the time.

Figure 3.2 provides information on the time at risk of recidivating spent as a juvenile and as an adult during the three-year follow-up. The sample as a whole was at risk to be processed in the juvenile justice system for an average of 17.0 months, or 47% of the 36 follow-up months and was at risk to be charged as an adult in the criminal justice system for an average of 19.0 months, or 53% of the total follow-up months. Based on their age distribution (*see* Table 2.1 in Chapter 2.), juveniles whose cases were diverted or closed were younger and had a shorter average time at risk as adults (16.7 and 18.1 months respectively) than juveniles whose cases were adjudicated or dismissed (both at 21.1 months).



Source: NC Sentencing and Policy Advisory Commission, FY 2008/09 Juvenile Recidivism Sample

A fixed follow-up period was used in an attempt to obtain the same “window of opportunity” for each juvenile to re-offend. However, in actuality the window of opportunity was not necessarily similar for each sample subject – some may have been committed to a YDC¹⁶ or admitted to a detention center in the juvenile justice system, while others may have been incarcerated in local jails or in prison in the adult criminal justice system.

¹⁶ Confinement in a YDC, averaging 13.0 months, reduced the time at risk for recidivism, especially during the juvenile portion of the follow-up. *See* North Carolina Sentencing and Policy Advisory Commission’s *Juvenile Delinquent Population Projections Fiscal Year 2012/13 to Fiscal Year 2016/17*, 2012.

JUVENILE AND ADULT RECIDIVISM

Subsequent delinquent complaints (also referred to as “subsequent complaints”) were used as the primary measure for juvenile recidivism, supplemented with information on subsequent adjudications that resulted from those recidivist complaints.¹⁷ A subsequent delinquent complaint had to occur after the start date of the three-year follow-up period, and the juvenile had to have committed the alleged offense before age 16 in order for the complaint to be considered recidivism. Subsequent adjudications resulting from those complaints also had to conform to those time constraints in the follow-up.¹⁸ In addition, juveniles had to be at risk in the juvenile justice system; therefore, 1,352 juveniles were excluded from the juvenile recidivism analysis because they had already aged out of the juvenile justice system at the start of the follow-up.

Arrests were used as the primary measure for adult recidivism, supplemented with information on convictions.¹⁹ Adult arrests had to occur within the three-year follow-up and the date of arrest had to occur after the juvenile turned 16 years old in order to be counted as recidivism.²⁰ Convictions were defined similarly, and the arrest leading to the conviction also must have occurred in the follow-up period. In addition, juveniles had to be at risk in the adult criminal justice system; therefore, 2,960 juveniles were excluded from the adult recidivism analysis because they were under juvenile jurisdiction for the entire follow-up period.

Finally, a combined measure of subsequent juvenile complaints and/or adult arrests was compiled to indicate any recidivistic involvement in either system, which was supplemented by a similar measure for subsequent juvenile adjudications and/or adult convictions.²¹ All 17,660 sample juveniles were included in analyzing overall recidivism.

¹⁷ DJJ’s NC-JOIN data that were used to determine subsequent complaints/adjudications include all felonies and misdemeanors. These data exclude infractions, local ordinances, and most G.S. Chapter 20 (*i.e.*, traffic) offenses from the analysis; only the more serious traffic offenses (*e.g.*, misdemeanor death by vehicle) were included.

¹⁸ Throughout the report, the term “subsequent adjudications” is used. This term refers to adjudications during the three-year follow-up for juveniles who have no prior adjudications, as well as for those who have prior adjudications.

¹⁹ DOJ’s CCH data used to determine recidivist arrests and convictions in North Carolina. Although North Carolina’s local law enforcement jurisdictions are required to fingerprint all felonies and only the more serious misdemeanors, most misdemeanor arrests have been consistently fingerprinted across the state. This report includes Class A1 through Class 3 misdemeanor arrests and convictions. Similar to the data extracted from DJJ’s NC-JOIN, the data exclude infractions, local ordinances, and most G.S. Chapter 20 (*i.e.*, traffic) offenses from the analysis; only the more serious traffic offenses (*e.g.*, misdemeanor death by vehicle) were included.

²⁰ Although the adult arrest had to occur within the three-year follow-up, the date that the alleged offense occurred could have been prior to the follow-up period.

²¹ Tables referring to only juvenile recidivism, or only adult recidivism, state so specifically. Otherwise, the terms “recidivism” or “overall recidivism” in this report refer to having a subsequent delinquent juvenile complaint, an adult arrest, or both. Whether a juvenile had one or more subsequent complaints and/or adult arrests, the juvenile will be counted as a recidivist. This also applies to overall recidivism rates for subsequent adjudications and/or convictions.

Subsequent Juvenile Complaints and Adult Arrests

Table 3.1 presents the three primary measures of recidivism for the entire sample and the four groups.²² Of the 17,660 juveniles in the sample, 44.0% had a subsequent juvenile complaint and/or adult arrest (“overall recidivism”). Of those juveniles under juvenile jurisdiction during follow-up (n=16,308), 34.4% had a subsequent delinquent complaint. Of those juveniles under adult jurisdiction during follow-up (n=14,700), 23.7% had an adult arrest. The further a juvenile was processed in the juvenile justice system, the more likely that juvenile was to recidivate, with the overall recidivism rate ranging from 33.5% for the group with a closed complaint to 57.1% for the adjudicated group.

Table 3.1
Recidivism Rates for Juvenile Complaints and Adult Arrests
by Level of Involvement during the Three-Year Follow-Up

Level of Involvement	Subsequent Complaints		Adult Arrests		Overall Recidivism	
	n	%	n	%	N	%
Adjudicated	5,192	44.6	5,167	32.4	5,826	57.1
Dismissed	1,778	35.3	1,811	29.8	2,117	46.4
Diverted	4,877	31.0	3,953	16.0	5,014	37.8
Closed	4,461	26.0	3,769	17.0	4,703	33.5
TOTAL	16,308	34.4	14,700	23.7	17,660	44.0

Source: NC Sentencing and Policy Advisory Commission, FY 2008/09 Juvenile Recidivism Sample

For those juveniles with at least one subsequent delinquent complaint or arrest during the three-year follow-up, the first recidivist event occurred an average of 11.5 months after the beginning of their follow-up. Adjudicated and dismissed juveniles tended to recidivate somewhat earlier (an average of 10.7 months and 11.7 months respectively) than the juveniles whose cases were diverted or closed (an average of 12.3 months and 12.2 months respectively). Of the 7,773 juveniles with a recidivist event, 30.5% (or n=444) had recidivated within three months. It should be noted that a number of juveniles spent some portion of that “time at risk” under some form of supervision in the community or in confinement.

Table 3.2 provides information on the total number of recidivistic events for those juveniles who had a subsequent juvenile complaint, an adult arrest, or both during the follow-up period.²³ The 7,773 juveniles who had at least one subsequent delinquent complaint or adult arrest accounted for a total of 18,962 recidivistic events. The adjudicated group accounted for the

²² For additional recidivism rates of juveniles who were adjudicated and disposed, *see* Appendix D; *see* Appendix E for additional recidivism rates of juveniles who were diverted.

²³ In calculating total number of recidivist events, only one subsequent complaint and only one adult arrest were counted per day if multiple complaints or arrests occurred on the same day.

Table 3.2
Recidivistic Events by Level of Involvement

Level of Involvement	Total Number and Average Number of Recidivistic Events during the Three-Year Follow-Up								
	Subsequent Complaints n=16,308			Adult Arrests n=14,700			Overall Recidivism N=17,660		
	# of Juveniles with Any Complaint	# of Complaints	Average # of Complaints	# of Juveniles with Any Arrest	# of Arrests	Average # of Arrests	# of Juveniles with Any Complaint or Arrest	# of Complaints and/or Arrests	Average # of Complaints and/or Arrests
Adjudicated	2,313	5,013	2.2	1,675	3,795	2.3	3,324	8,808	2.6
Dismissed	628	1,282	2.0	539	1,187	2.2	982	2,469	2.5
Diverted	1,511	3,006	2.0	634	1,146	1.8	1,893	4,152	2.2
Closed	1,161	2,307	2.0	641	1,226	1.9	1,574	3,533	2.2
TOTAL	5,613	11,608	2.1	3,489	7,354	2.1	7,773	18,962	2.4

Source: NC Sentencing and Policy Advisory Commission, FY 2008/09 Juvenile Recidivism Sample

highest volume of subsequent complaints and/or adult arrests at 8,808. Table 3.2 also includes information on the mean number of recidivistic events. The average number of overall subsequent complaints and/or adult arrests for those juveniles who re-offended was 2.4 for the three-year follow-up. The adjudicated and dismissed juveniles had a higher average number of recidivist events (2.6 and 2.5 respectively) than the diverted or closed juveniles (both at 2.2) during follow-up.

Subsequent Juvenile Adjudications and Adult Convictions

Table 3.3 details subsequent adjudication and conviction rates for the four sample groups. As expected, adjudication/conviction rates were lower than complaint/arrest rates for two reasons: due to cases being closed or dismissed, and due to a time lag between initial processing and court action, possibly falling outside the follow-up period. Adjudication/conviction rates indicated patterns similar to complaint/arrest rates – the more serious the level of involvement in the juvenile justice system, the higher the rate of subsequent adjudications/convictions. Of those juveniles under juvenile jurisdiction during follow-up (n=16,308), 22.7% had a subsequent adjudication. Of those juveniles under adult jurisdiction during follow-up (n=14,700), 10.4% had an adult conviction. The combined recidivistic adjudication/conviction rate for the sample was 27.3%, with 40.1% for the adjudicated group compared to 17.2% for the group with closed complaints.

**Table 3.3
Recidivism Rates for Juvenile Adjudications and Adult Convictions
by Level of Involvement during the Three-Year Follow-Up**

Level of Involvement	Subsequent Adjudications		Convictions		Adjudications and/or Convictions	
	n	%	n	%	N	%
Adjudicated	5,192	34.0	5,167	15.5	5,826	40.1
Dismissed	1,778	22.6	1,811	14.4	2,117	28.7
Diverted	4,877	19.0	3,953	5.7	5,014	21.4
Closed	4,461	13.9	3,769	6.5	4,703	17.2
TOTAL	16,308	22.7	14,700	10.4	17,660	27.3

Source: NC Sentencing and Policy Advisory Commission, FY 2008/09 Juvenile Recidivism Sample

Personal Characteristics and Recidivism

Table 3.4 provides recidivism rates during the three-year follow-up by the juvenile’s personal characteristics: gender, race, and age at the time of the sample offense.²⁴ Overall, males

²⁴ See Table 2.1 in Chapter Two for further details of the sample’s personal characteristics.

had higher recidivism rates than females (48.8% and 31.9% respectively). Black juveniles had the highest recidivism rate at 50.2% compared to the other race categories. Juveniles whose race was entered as Other/Unknown had the next highest recidivism rate at 43.9% with Latino and White juveniles having the lowest recidivism rates at 37.8% and 37.0% respectively. As expected, the youngest juveniles had the lowest recidivism rates at 24.7% for six to nine year olds. The rate of recidivism increased to its highest levels for juveniles aged 12 and 13 (49.2% and 51.4% respectively), and declined considerably for the 14 and 15 year olds (to 46.0% and 39.7% respectively).

Table 3.4
Recidivism Rates by Personal Characteristics of Juveniles and Level of Involvement during the Three-Year Follow-Up

Personal Characteristics	Level of Involvement				All	
	Adjudicated n=5,826	Dismissed n=2,117	Diverted n=5,014	Closed n=4,703	#	%
Gender	%	%	%	%	#	%
Male	59.9	51.3	42.2	38.4	12,642	48.8
Female	46.4	32.7	28.2	24.2	5,018	31.9
Race^a	%	%	%	%	#	%
Black	64.1	53.3	43.7	38.0	8,924	50.2
White	48.1	37.8	32.7	27.7	6,801	37.0
Latino	53.7	34.4	31.9	25.7	1,074	37.8
Other/Unknown	57.9	39.0	34.1	37.8	861	43.9
Age at Offense	%	%	%	%	#	%
6-9 Years	33.9	29.7	30.9	14.4	499	24.7
10 Years	50.8	35.9	37.3	31.3	337	38.0
11 Years	60.4	39.4	40.6	34.3	796	43.5
12 Years	64.8	51.6	42.0	39.5	1,707	49.2
13 Years	63.6	51.1	45.2	42.9	2,971	51.4
14 Years	58.1	49.1	39.4	35.7	4,842	46.0
15 Years	52.4	44.0	31.0	28.6	6,508	39.7
TOTAL	57.1	46.4	37.8	33.5	17,660	44.0

^a Due to low percentages, American Indian, Asian, and multi-racial juveniles were combined with other/unknown into one category.

Source: NC Sentencing and Policy Advisory Commission, FY 2008/09 Juvenile Recidivism Sample

Prior Complaints and Recidivism

Overall, 32.7% (n=5,770) of the juveniles in the sample had at least one prior delinquent complaint before entry into the sample.²⁵ Table 3.5 examines recidivism rates for juveniles with at least one prior complaint in comparison to juveniles with no prior complaint before sample entry. Almost 63% of the juveniles with at least one prior complaint had a subsequent complaint or adult arrest compared to the recidivism rate of 35.0% for the juveniles with no prior complaints. Adjudicated juveniles with at least one prior complaint had the highest recidivism rate at 66.0% with the remaining three groups with a prior complaint having similar rates to one another (dismissed at 59.7%, diverted at 56.7%, and closed at 57.5%).

Table 3.5
Recidivism Rates by Prior Complaints and Level of Involvement
during the Three-Year Follow-Up

Level of Involvement	Recidivism Rates for Juveniles with:				Overall Recidivism	
	No Prior Complaint		at Least One Prior Complaint		N	%
	n	%	n	%		
Adjudicated	2,513	45.3	3,313	66.0	5,826	57.1
Dismissed	1,212	36.5	905	59.7	2,117	46.4
Diverted	4,238	34.3	776	56.7	5,014	37.8
Closed	3,927	28.7	776	57.5	4,703	33.5
TOTAL	11,890	35.0	5,770	62.6	17,660	44.0

Source: NC Sentencing and Policy Advisory Commission, FY 2008/09 Juvenile Recidivism Sample

Sample Offense²⁶ and Recidivism

While the most serious sample offense for the majority of juveniles at all levels of involvement was a misdemeanor, the relative percentage of felony offenses was higher for the dismissed and adjudicated cases (20.4% and 29.6% respectively) than for the diverted and closed cases (3.0% and 1.6% respectively). (See Table 2.4 in Chapter Two.) Juveniles charged with a felony as their most serious sample offense were more likely to recidivate than those charged with a misdemeanor – 50.2% and 43.1% respectively. (See Table 3.6.) However, this finding did

²⁵ This analysis excludes the delinquent complaint that placed the juvenile in the sample. It should be noted that not all juveniles had equal amounts of time to accrue prior complaints. The percentage of juveniles with at least one prior complaint by group are as follows: adjudicated at 56.9%, dismissed at 42.8%, diverted at 15.5%, and closed at 16.5%.

²⁶ As a reminder, the term “sample offense” refers to the most serious delinquent activity alleged in the complaint for the adjudicated, dismissed, diverted, or closed groups. Infractions, local ordinances, and most G.S. Chapter 20 (*i.e.*, traffic) offenses were excluded from the analysis; only the more serious traffic offenses (*e.g.*, misdemeanor death by vehicle) were included.

not hold true for each of the specific groups. Adjudicated and diverted juveniles charged with a *misdemeanor* had a higher recidivism rate (59.3% and 37.8% respectively) than the dismissed and closed juveniles who had a higher recidivism rate when charged with a *felony* (50.2% and 47.4% respectively).

Table 3.6
Recidivism Rates by Sample Offense and Level of Involvement
during the Three-Year Follow-Up

Level of Involvement	Recidivism Rates for Juveniles Charged with a:				Overall Recidivism	
	Felony		Misdemeanor		N	%
	n	%	n	%		
Adjudicated	1,722	51.6	4,104	59.3	5,826	57.1
Dismissed	432	50.2	1,685	45.4	2,117	46.4
Diverted	150	35.3	4,864	37.8	5,014	37.8
Closed	76	47.4	4,627	33.2	4,703	33.5
TOTAL	2,380	50.2	15,280	43.1	17,660	44.0

Source: NC Sentencing and Policy Advisory Commission, FY 2008/09 Juvenile Recidivism Sample

A comparison of the sample offense and subsequent recidivist offense is provided in Table 3.7 for the 7,773 juveniles with any recidivism. Within the three-year follow-up, juveniles with a sample felony offense were more likely (63.9%) to have a felony offense as their most serious subsequent offense. Similarly, juveniles who had a sample misdemeanor offense were more likely (58.8%) to have a misdemeanor offense as their most serious subsequent offense. It should also be noted that, overall, of those with one or more recidivistic event during the follow-up, 55.3% were charged with a misdemeanor.

Table 3.7
Most Serious Recidivistic Offense by Most Serious Sample Offense

Sample Offense	N	Most Serious Recidivistic Offense during the Three-Year Follow-Up	
		Felony n=3,475	Misdemeanor n=4,298
		%	%
Felony	1,195	63.9	36.1
Misdemeanor	6,578	41.2	58.8
TOTAL	7,773	44.7	55.3

Source: NC Sentencing and Policy Advisory Commission, FY 2008/09 Juvenile Recidivism Sample

As expected, adjudicated and dismissed juveniles were more likely to have a subsequent felony complaint or adult arrest (51.1% and 51.9% respectively) than juveniles whose cases were diverted or closed (34.1% and 39.5% respectively).

Risk/Needs Levels and Recidivism

In terms of risk level and needs level, the majority of juveniles were assessed as low risk (72.8%) and as low needs (67.9%) with few juveniles determined to be either high risk (5.8%) or high needs (3.7%).²⁷ Table 3.8 explores the relationship between the juvenile’s risk and needs levels and their recidivism rates. As expected, low risk juveniles had the lowest recidivism rates (38.0%) compared to medium and high risk juveniles (66.5% and 71.4% respectively). However,

**Table 3.8
Recidivism Rates by Risk Level and by Needs Level during the Three-Year Follow-Up**

	Subsequent Complaints		Adult Arrests		Overall Recidivism	
Risk Level^a	n	%	n	%	N	%
Low	9,980	30.8	8,520	17.6	10,588	38.0
Medium	2,783	52.1	2,804	38.0	3,110	66.5
High	702	55.4	819	49.1	850	71.4
Risk Level Total	13,465	36.5	12,143	24.4	14,548	46.0
Needs Level^b	n	%	n	%	N	%
Low	9,308	30.9	7,984	18.6	9,893	38.6
Medium	3,698	49.1	3,696	35.9	4,138	62.3
High	455	49.9	506	41.7	539	64.4
Needs Level Total	13,461	36.6	12,186	24.8	14,570	46.3

^a Of the 14,548 juveniles with a risk assessment score, 72.8% (n=10,588) were low risk, 21.4% (n=3,110) were medium risk, and 5.8% (n=850) were high risk.

^b Of the 14,570 juveniles with a needs assessment score, 67.9% (n=9,893) were low needs, 28.4% (n=4,138) were medium needs, and 3.7% (n=539) were high needs.

Source: NC Sentencing and Policy Advisory Commission, FY 2008/09 Juvenile Recidivism Sample

the gap between the recidivism rates of the medium risk and high risk is smaller compared to the much larger gap between the recidivism rates of the low risk and medium risk juveniles. Similar

²⁷ See Chapter Two for a more detailed description of the risk and needs assessments and Appendix A for a copy of the risk and needs assessment tools.

findings in the recidivism rates are seen when examining the needs level and subsequent complaints and/or adult arrests.

Figure 3.3 examines the recidivism rates by group while controlling for risk level and needs level. Due to the small number of juveniles in the high risk and high needs categories, these two figures combine the medium and high risk levels into one group and the medium and high needs levels into one group. As expected, low risk juveniles had lower recidivism rates than the medium/high risk juveniles for all four groups. The adjudicated juveniles had the highest recidivism rate (48%) compared to the other three groups assessed as low risk. For the medium or high risk levels, the closed juveniles had the highest recidivism rate (78%) compared to the other three groups. Similar findings in the recidivism rates by group are seen when examining needs level and subsequent complaints and/or adult arrests.

Finally, Table 3.9 provides information on the recidivism rates and three of the combined indicators from the risk and needs assessment tools – substance abuse, gang affiliation, and peer relationships. Juveniles with substance abuse assessment and/or treatment had higher recidivism rates (57.5%) than juveniles with little or no substance abuse (41.8%). In addition, juveniles with gang affiliation (whether as a gang member or as an associate of a gang member) had higher recidivism rates (69.1%) than juveniles who were not gang members or who do not associate with gang members (44.2%). Finally, juveniles whose peers provide a negative influence had higher recidivism rates (53.7%) compared to juveniles whose peers provide good support and a positive influence (34.1%).

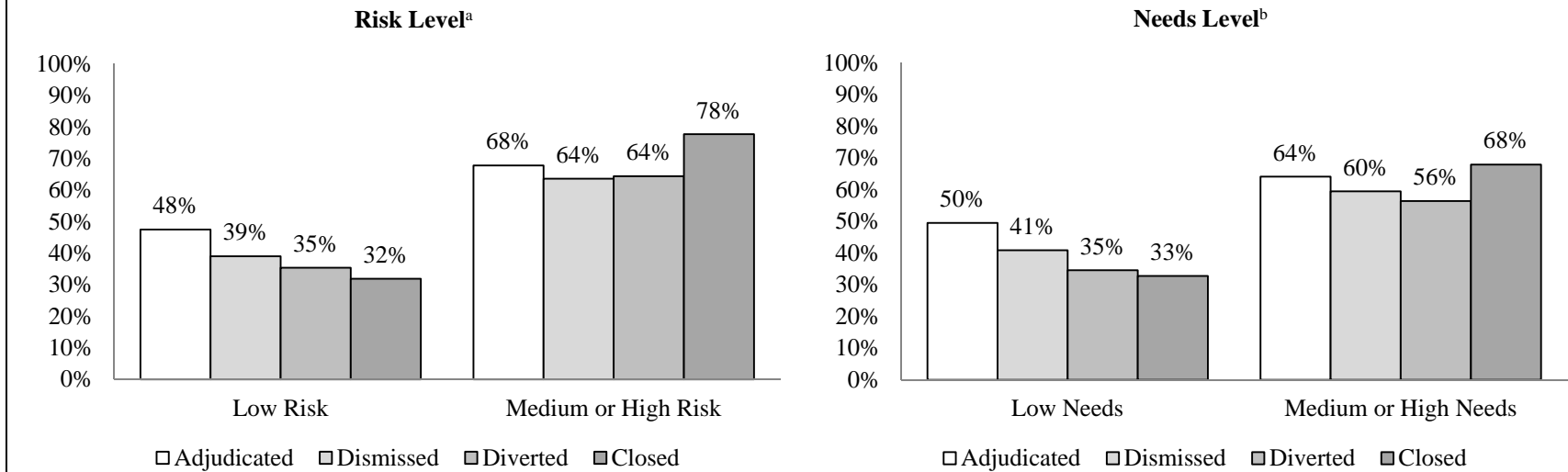
Table 3.9
Recidivism Rates by Combined Risk and Needs Indicators

Combined Risk and Needs Indicators	Recidivism Rates during the Three-Year Follow-Up	
Substance Use	N	%
None or little	10,835	41.8
Yes	4,035	57.5
Gang Affiliation	N	%
No	13,721	44.2
Yes	1,149	69.1
Peer Relationships	N	%
Positive	5,747	34.1
Negative	9,123	53.7
TOTAL	14,870	46.1

Note: Of the 17,660 juveniles in the sample, there were 2,790 with missing values for a Risk and/or Needs Assessment score.

Source: NC Sentencing and Policy Advisory Commission, FY 2008/09 Juvenile Recidivism Sample

Figure 3.3
Recidivism Rates by Risk/Needs Levels and Level of Involvement
during the Three-Year Follow-Up



^a Of the 14,548 juveniles with a risk assessment score, 72.8% (n=10,588) were low risk, 21.4% (n=3,110) were medium risk, and 5.8% (n=850) were high risk.

^b Of the 14,570 juveniles with a needs assessment score, 67.9% (n=9,893) were low needs, 28.4% (n=4,138) were medium needs, and 3.7% (n=539) were high needs.

Source: NC Sentencing and Policy Advisory Commission, FY 2008/09 Juvenile Recidivism Sample

Detention Center Admissions, YDC Commitments, and Juvenile Transfers to Superior Court

One of the more consistent research findings links juvenile confinement to an increased probability of adult criminality. To examine this assertion, information was collected for each juvenile on admission to a detention center and commitment to a YDC any time between the sample entry and the end of their follow-up period. Adult arrest rates are reported to provide recidivist activity for those juveniles confined in a DJJ facility compared to all juveniles in the sample during the follow-up period. In addition, the number of juveniles transferred to Superior Court during the three-year follow-up was identified and their subsequent criminal activity (*i.e.*, adult arrest) was determined.

Juvenile Detention Center Admission and Adult Arrests

Admission to a detention center can occur while a juvenile awaits adjudication and disposition, or as a condition of probation. Of the entire sample, 21.6% (n=3,814) had at least one admission to a detention center during the three-year follow-up. Adjudicated juveniles had the highest percentage (42.2%) with an admission to a detention center followed by the dismissed (16.8%), diverted (11.4%), and closed (9.2%) groups.

Table 3.10 provides adult arrest rates for those juveniles with at least one detention center admission during the three-year follow-up for the four groups. Overall, 39.1% of those juveniles with at least one juvenile detention center admission had one or more adult arrests. The dismissed group had the highest adult arrest rate at 45.2% followed by the adjudicated (40.0%), closed (37.4%), and diverted (32.0%) groups.

Table 3.10
Admission to a Detention Center or Commitment to a Youth Development Center and Adult Arrests by Level of Involvement during the Three-Year Follow-Up

Level of Involvement	Detention Admission		YDC Commitment		Adult Arrests for Sample	
	Number of Juveniles	% with Adult Arrest	Number of Juveniles	% with Adult Arrest	N	%
Adjudicated	2,458	40.0	518	36.3	5,167	32.4
Dismissed	356	45.2	58	40.7	1,811	29.8
Diverted	569	32.0	42	15.4	3,953	16.0
Closed	431	37.4	50	35.0	3,769	17.0
TOTAL	3,814	39.1	668	35.7	14,700	23.7

Source: NC Sentencing and Policy Advisory Commission, FY 2008/09 Juvenile Recidivism Sample

Juvenile Commitment and Adult Arrests

Commitment to a YDC is the most severe sanction available for juveniles who are adjudicated delinquent while under juvenile jurisdiction. Of the juveniles in the sample, 3.8% (n=668) had one or more commitments to a YDC during the three-year follow-up. A YDC commitment is not necessarily linked to the sample event for the four groups and could have resulted either from a delinquent complaint prior to the follow-up period or from a delinquent complaint that occurred during the follow-up period. The adjudicated group had the highest rate of YDC commitments at 8.9%. The remaining groups had very few juveniles with a YDC commitment during the follow-up period – dismissed at 2.7%, diverted at 0.8%, and closed at 1.1%.

Table 3.10 compares adult arrest rates for the groups in the sample who had one or more YDC commitments. Overall, almost 36% of those with a YDC commitment had at least one subsequent adult arrest. Again, when looking at confinement in the juvenile justice system, the dismissed juveniles had the highest recidivism rate at 40.7% compared to the other three groups. The diverted juveniles had the lowest adult arrest rate at 15.4%.

Overall, juveniles experiencing either a detention center admission or a YDC commitment during their juvenile years were more likely to have a subsequent adult arrest.

Juvenile Transfers to Superior Court

As mentioned in Chapter One, juveniles alleged to be delinquent and charged with a felony may be transferred to the Superior Court for trial as adults. Of the 5,613 juveniles with any subsequent complaint, there were 34 juveniles who were transferred to adult court during the follow-up period. No information is available about findings of guilt or innocence, or dispositions, in those proceedings. However, 32.4% of the juveniles transferred to adult court had at least one or more adult arrest during follow-up compared to 23.7% of the juveniles who were *not* transferred to adult court during follow-up.

CHAPTER SUMMARY

The following list presents a summary of the major findings in Chapter Three:

- Three primary recidivism measures were used: subsequent delinquent juvenile complaint, adult arrest, and a combined measure of complaint and/or arrest (*i.e.*, overall recidivism) – with a fixed three-year follow-up period for each juvenile.
- The overall recidivism rate for the sample was 44.0%. The rate of subsequent delinquent complaint was 33.4%; the rate of adult arrest was 23.7%.
- A stair-step progression of recidivism was observed among the sample groups: the adjudicated group recidivated at the highest rate and the closed group recidivated at the lowest rate.

- Males were more likely to have a subsequent complaint and/or adult arrest than females. Blacks had higher recidivism rates than all other race categories. There was a complex relationship between juvenile age and rate of recidivism. Juveniles aged 6-9 had the lowest rate of recidivism; juveniles aged 10-12 showed a gradually increasing rate, with recidivism peaking at ages 12-13; and those aged 14-15 showed considerably decreasing rates.
- Juveniles who had prior juvenile justice contact (*i.e.*, delinquent complaint) before sample entry had higher recidivism rates (62.6%) compared to the recidivism rates of juveniles with no prior juvenile justice contact (35.0%). This finding held constant for all four groups.
- The type of sample offense (*i.e.*, felony or misdemeanor) was linked to both the rate of recidivism and the type of recidivistic offense.
- A stair-step progression of recidivism was observed when examining risk level and needs level – as the risk level or needs level increased in severity so did the recidivism rate. However, the greatest increase in the recidivism rates occurred from low risk/needs level to medium risk/needs level.
- Confinement as a juvenile – whether in a detention center or a YDC – increased the probability of having an adult arrest.

CHAPTER FOUR

SUMMARY AND CONCLUSIONS

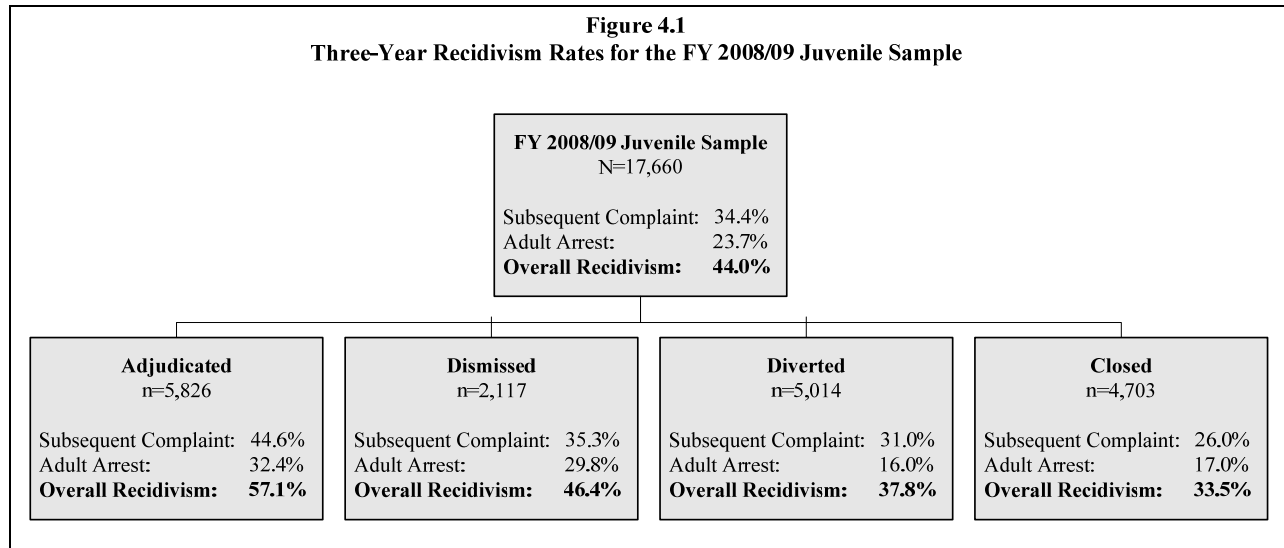
During the 2005 Session, the North Carolina General Assembly expanded the Sentencing and Policy Advisory Commission's mandate to include the preparation of biennial reports on statewide rates of juvenile recidivism. (Session Law 2005-276, Section 14.19.) This marks the fourth biennial report, submitted to the legislature on May 1, 2013. The study followed a sample of 17,660 juveniles who had a delinquent complaint processed in the juvenile justice system between July 1, 2008 and June 30, 2009 and tracked their subsequent contacts with the juvenile justice and criminal justice systems over the next three years. Juveniles with undisciplined complaints were excluded from the sample. Data on the sample were obtained from the automated databases of the DJJ and DOJ.

In line with the decisions made within the juvenile justice system, the 17,660 juveniles in the sample were categorized into one of four groups – juveniles with adjudicated (33%), dismissed (12%), diverted (28%), or closed (27%) cases. Altogether, the mean age of the sample was 13.6 years; the adjudicated juveniles were the oldest of the four groups. The sample was largely comprised of male juveniles (72%), and 51% of the juveniles were black. The events that brought the youths to the attention of the juvenile justice system in FY 2008/09 were largely misdemeanors (87%); less than 2% were charged with a violent delinquent act. Juveniles with felony or violent offense charges were predominantly in the adjudicated and dismissed groups. One-third of the sample juveniles had at least one prior delinquent complaint, and 8% percent of them were under some form of DJJ supervision at the time of their sample offense. Few of the juveniles were assessed as high risk or high needs; the majority of medium and high risk or needs juveniles were within the adjudicated group.

Three measures of juvenile recidivism were utilized in the study: subsequent juvenile delinquent complaints, adult arrests, and a combination measure that captured recidivism in both the juvenile and adult systems (*i.e.*, overall recidivism). A three-year follow-up period was calculated for each juvenile, to measure their recidivism in either the juvenile or adult systems. The rate of subsequent delinquent complaint for the entire sample was 34%, the rate of adult arrest was 24%, and the overall recidivism rate was 44%. (*See* Figure 4.1.) The highest rate of all three measures of recidivism was observed in the adjudicated group. Twenty-seven percent of the juveniles also had one or more juvenile adjudications or adult convictions within the follow-up period. The 7,773 sample juveniles with any subsequent recidivism accounted for a total of 18,962 offenses (or an average of 2.4 offenses) within the three-year follow-up: 11,608 juvenile complaints and 7,354 adult arrests.

When comparing the findings from this study of the FY 2008/09 sample to the Commission's two previous studies of the FY 2006/07 and FY 2004/05 samples (all with a three-year follow-up period), a stable recidivism rate of between 43-45% emerges for all three samples (*see* Table 4.1). The differences between the recidivism rates of juveniles by their level of involvement also remained stable over the three samples, with the highest rate for the adjudicated group, followed by the dismissed, diverted, and closed groups (*see* Table 4.2). Two additional findings of note in reviewing the trends are an overall drop of 13% in the number of

cases from FY 2006/07 to FY 2008/09, and an increase in the rate of recidivism for the FY 2008/09 group of adjudicated juveniles.



SOURCE: NC Sentencing and Policy Advisory Commission, FY 2008/09 Juvenile Recidivism Sample

The findings from the overall sample indicated that juvenile recidivism was related to several factors. First, a clear relationship emerged between the level of involvement with the juvenile justice system and likelihood of recidivating. Level of involvement ranged from the least serious (a closed case) to the most serious (an adjudicated case), paralleled by recidivism rates ranging from 34% for juveniles with closed cases and 38% for juveniles diverted to 46% for juveniles dismissed and 57% for those adjudicated. In a number of ways, the data demonstrated that the deeper the involvement of the youth in the juvenile justice system, the more likely s/he was to have subsequent recidivism. Youth who received the most serious and restrictive sanctions in the juvenile system – detention in a detention center or commitment to a

Table 4.1
Juvenile Recidivism Trends
Three-Year Follow-Up

Juvenile Samples by Fiscal Year	Subsequent Complaints		Adult Arrests		Overall Recidivism	
	N	%	N	%	N	%
FY 2004/05	18,754	36.7	17,011	21.4	20,236	44.8
FY 2006/07	18,818	33.6	17,151	22.8	20,364	43.0
FY 2008/09	16,308	34.4	14,700	23.7	17,660	44.0

Source: NC Sentencing and Policy Advisory Commission, FY 2004/05, FY 2006/07, and FY 2008/09 Juvenile Recidivism Samples

YDC – were also considerably more likely to experience one or more arrests in the adult system. This finding does not necessarily imply a *causal* relationship between deeper involvement and recidivism, and needs to be interpreted with some caution. The level of involvement is also a systemic response to the complicated set of circumstances, risks and needs of the juvenile, a set that is correlated with future recidivism independent of the possible effect of the youth’s juvenile justice involvement.

Table 4.2
Juvenile Recidivism Trends by Level of Involvement
Three-Year Follow-Up

Level of Involvement	Juvenile Samples by Fiscal Year:					
	FY 2004/05		FY 2006/07		FY 2008/09	
	N	%	N	%	N	%
Adjudicated	7,012	55.7	6,639	53.3	5,826	57.1
Dismissed	2,409	48.0	2,413	45.7	2,117	46.4
Diverted	5,100	38.7	5,383	38.4	5,014	37.8
Closed	5,715	35.5	5,929	34.7	4,703	33.5
TOTAL	20,236	44.8	20,364	43.0	17,660	44.0

Source: NC Sentencing and Policy Advisory Commission, FY 2004/05, FY 2006/07, and FY 2008/09 Juvenile Recidivism Samples

A similar pattern was also found in the average amount of time to a first subsequent complaint or arrest. The adjudicated and dismissed groups had, on average, a shorter amount of time until their first recidivist event than the diverted and closed groups.

A second finding concerned the type of sample offense and its relationship with recidivist events in the three-year follow-up period. Juveniles whose original sample offense was a felony had a higher recidivism rate than those with a misdemeanor sample offense (50% and 43% respectively). Reviewing the severity of their new offenses, 45% percent of the recidivist juveniles were charged with at least one felony during the follow-up. Furthermore, those who entered the FY 2008/09 sample with a felony were also more likely to recidivate with a felony as their most serious new offense, while those who entered the sample with a misdemeanor were more likely to recidivate with a misdemeanor as their most serious new offense.

A third finding from these data demonstrated a complex relationship between age and recidivism for juveniles in the sample. Juveniles between the ages of six and nine had very low recidivism rates, those aged 10-11 showed gradually increasing rates with the highest recidivism observed for 12-13 year-olds, while ages 14-15 showed considerably decreasing rates. A possible explanation for this finding might be in the dynamic between a child’s age; school attendance

and discipline; delinquency history; and the capacity of the juvenile justice system to exercise discretion.

A direct relationship was also observed between the juveniles' assessed risk and needs and their recidivism. Generally, as risk and needs levels increased, so did the recidivism rates. Particularly large increases in recidivism rates were noted between the juveniles with low and medium levels of risk and needs. Further, juveniles' risk levels appeared to be driving differences in the recidivism rates more than their needs levels. A juvenile's prior delinquency, a component of risk, was also directly linked to the probability of recidivism.

In conclusion, the study's key finding that recidivism corresponded with the juvenile's level of involvement in the juvenile justice system could have a bearing on policy-related issues in this system. The analyses in this report revealed that recidivism was lower when the systemic response of the juvenile justice system was less invasive, either by processing and intervening with youths short of adjudication or, if adjudicated, providing dispositions short of the most restrictive option of confinement. It is important to recognize that there are several possible explanations for this finding – the relationship is a correlation and thus precludes any determination of causality. While the depth of the system's response may contribute to a juvenile's probability of re-offending, another possibility is that the system's increasingly invasive, restrictive response is elicited by the most troubled youths affected by family dynamics, psychological issues, and school problems. The explanation to recidivistic behavior, more likely, lies in some interaction of all of these factors.

Whatever the reason for the relationship between deeper involvement in the juvenile justice system and recidivism, the point remains that the most efficient investment of sufficient resources is in the community, at the front-end of the juvenile justice system. Community resources are more easily accessible to juveniles and their families and have a proven track record of successfully intervening with the complex issues associated with delinquent youth. Another finding, which indicated a relationship between recidivism and age, has a related message for policy makers. If appropriate resources were targeted at the age-group with the highest overall recidivism rate (juveniles aged 10-13), and at the earliest possible point of their contact with the juvenile justice system, it might affect their rate of re-offending.

While there will be youths for whom the juvenile system will have no recourse but the use of the most restrictive sanction of commitment to a YDC, the majority of the youth will need – and benefit from – rehabilitative resources of a less restrictive nature. Meeting this need for community-based and evidence-based alternatives is the challenge for policy makers, juvenile justice professionals, and youth services providers as they work together to reduce reoffending behavior.

APPENDIX A

A.1: NORTH CAROLINA ASSESSMENT OF JUVENILE RISK OF FUTURE OFFENDING

A.2: NORTH CAROLINA ASSESSMENT OF JUVENILE NEEDS

A.3: TABLE A.3-1 – NUMBER AND PERCENTAGE OF JUVENILES WITH RISK AND/OR NEEDS ASSESSMENTS BY LEVEL OF INVOLVEMENT

APPENDIX A.1

NORTH CAROLINA ASSESSMENT OF JUVENILE RISK OF FUTURE OFFENDING

Juvenile Name (F, M, L)		DOB:
SS#:	County of Residence:	
Juvenile Race: <input type="checkbox"/> White <input type="checkbox"/> Black <input type="checkbox"/> Native American <input type="checkbox"/> Latino <input type="checkbox"/> Asian <input type="checkbox"/> Multi-racial <input type="checkbox"/> Other		
Juvenile Gender: <input type="checkbox"/> Male <input type="checkbox"/> Female		
Date Assessment Completed:		Completed by:

Instructions: Complete each assessment item R1 to R9 using the best available information. Check the numeric score associated with each item response and enter it on the line to the right of the item. Total the item scores to determine the level of risk and check the appropriate risk level in R10. Identify the most serious current offense in R11. Assessment items R1-R5 are historical in nature and should be answered based on the juvenile's lifetime. Items R6 and R7 should be evaluated over the 12 months prior to the assessment. R8-R9 should be evaluated as of the time of the assessment. Use the Comments section at the end as needed for additional information or clarification.

- | | | | Score |
|-----|--|--|-------|
| R1. | Age when first delinquent offense alleged in a complaint: Check appropriate score and enter the actual age
a. Age 12 or over or no delinquent complaint 0 <input type="checkbox"/>
b. Under age 12 2 <input type="checkbox"/>
Actual age: _____ | | |
| R2. | Number of undisciplined or delinquent referrals to Intake (Referrals are instances of complaints coming through the Intake process. A referral may include multiple complaints; for example, breaking or entering and larceny, or multiple larcenies or other offenses that occur at one time.)
a. Current referral only 0 <input type="checkbox"/>
b. 1 Prior referral 1 <input type="checkbox"/>
c. 2-3 Prior referrals 2 <input type="checkbox"/>
d. 4+ Prior referrals 3 <input type="checkbox"/> | | |
| R3. | Most serious prior adjudication(s). Enter the actual number of prior adjudications for each class of offense shown in b through e then check the score for <u>only</u> the most serious offense for which there has been a prior adjudication. The maximum possible score for this item is 4.
a. No Prior Adjudications 0 <input type="checkbox"/>
b. Prior Undisciplined # of adjudications: 1 <input type="checkbox"/>
c. Prior Class 1-3 misdemeanors # of adjudications: 2 <input type="checkbox"/>
d. Prior Class F-I felonies or A1 misdemeanors # of adjudications: 3 <input type="checkbox"/>
e. Prior Class A-E felonies # of adjudications: 4 <input type="checkbox"/> | | |
| R4. | Prior Assaults: "Assault" is defined as any assaultive behavior, whether physical or sexual, with or without a weapon as evidenced by a prior delinquent complaint. Record the number of complaints for each assault category shown. Then check the score for the assault category with the highest numerical score. The maximum possible score for this item is 5.
a. No assaults 0 <input type="checkbox"/>
b. Involvement in an affray # of complaints: 1 <input type="checkbox"/>
c. Yes, without a weapon # of complaints: 2 <input type="checkbox"/>
d. Yes, without a weapon, inflicting serious injury # of complaints: 3 <input type="checkbox"/>
e. Yes, with a weapon # of complaints: 4 <input type="checkbox"/>
f. Yes, with a weapon inflicting serious injury # of complaints: 5 <input type="checkbox"/> | | |
| R5. | Runaways (from home or placement): "Runaway" is defined as absconding from home or any placement and not voluntarily returning within twenty-four (24) hours as evidenced by a complaint, motion for review, or from reliable information. Check appropriate score.
a. No 0 <input type="checkbox"/>
b. Yes 2 <input type="checkbox"/>
Actual number of runaway incidents: _____ | | |
| R6. | Known use of alcohol or illegal drugs during past 12 months: Do not include tobacco in scoring this item. Check appropriate score.
a. No known substance use 0 <input type="checkbox"/>
b. Some substance use, need for further assessment 1 <input type="checkbox"/>
c. Substance abuse, assessment and/or treatment needed 3 <input type="checkbox"/> | | |

R7.	School behavior problems during the prior 12 months: Check appropriate score.	
	a. No problems (Enrolled, attending regularly)	0 <input type="checkbox"/>
	b. Minor problems (attending with problems handled by teacher/school personnel, or 1-3 unexcused absences/truancy)	1 <input type="checkbox"/>
	c. Moderate problems (4 to 10 unexcused absences /truancy, or 1 or more in-school suspensions or 1 short-term suspension – up to 10 days)	2 <input type="checkbox"/>
	d. Serious problems (more than 1 short-term suspension, or 1 or more long-term suspension, or more than 10 unexcused absences or expelled/dropped out.)	3 <input type="checkbox"/>
R8.	Peer relationships: Check appropriate score. Put check in the line following appropriate information	
	a. Peers usually provide good support and influence	0 <input type="checkbox"/>
	b. Youth is rejected by pro-social peers <input type="checkbox"/> , or youth sometimes associates with others who have been involved in delinquent/criminal activity but is not primary peer group <input type="checkbox"/>	1 <input type="checkbox"/>
	c. Youth regularly associates with others who are involved in delinquent/criminal activity	3 <input type="checkbox"/>
	d. Youth is a gang member <input type="checkbox"/> or associates with a gang <input type="checkbox"/>	5 <input type="checkbox"/>
R9.	Parental supervision: (Score the current responsible parental authority) Check appropriate score.	
	a. Parent, guardian or custodian willing and able to supervise	0 <input type="checkbox"/>
	b. Parent, guardian or custodian willing but unable to supervise	2 <input type="checkbox"/>
	c. Parent, guardian or custodian unwilling to supervise	3 <input type="checkbox"/>
R10.	TOTAL RISK SCORE	0

Check Risk Level: Low risk (0-7) Medium Risk (8-14) High Risk (15+)

R11. Completed before or after adjudication: (check) before after
 Most serious offense alleged /adjudicated in current complaint/petition:

Statute number: _____

Class offense: A-E Felony F-I Felony, A1 Misdemeanor Class 1-3 Misdemeanor
 Undisciplined

Note: Risk level is to be considered along with the current offense.

COMMENTS:

APPENDIX A.2

NORTH CAROLINA ASSESSMENT OF JUVENILE NEEDS

Juvenile Name (F, M, L)		DOB:
SS#:	County of Residence:	
Juvenile Race: <input type="checkbox"/> White <input type="checkbox"/> Black <input type="checkbox"/> Native American <input type="checkbox"/> Latino <input type="checkbox"/> Asian <input type="checkbox"/> Multi-racial <input type="checkbox"/> Other		
Juvenile Gender: <input type="checkbox"/> Male <input type="checkbox"/> Female		
Date Assessment Completed:	Completed by:	

Instructions: Complete each needs assessment item using the best available information. Check the score associated with the most appropriate item choice and enter the number on the line to the left of the item. Items that are of a current nature should be considered as of the time of the assessment unless a time period for consideration is noted. Assessment items that are historical in nature (Y8 and F5) should be answered based on the juvenile or family member's lifetime. Total the points for all items to determine the total need score and then check the appropriate needs level (low, medium or high). Complete the information source checklist. Finally, identify at least three priority needs for constructing a case plan and appropriate service interventions. Give additional information as needed in the Comments section.

YOUTH NEEDS

Score

Y1. Peer Relationships

- _____ 0 a. Peers usually provide good support and influence.
 2 b. Youth is rejected by pro-social peers.
 3 c. Youth sometimes associates with others who have been involved in delinquent/criminal activity but this is not a primary peer group.
 4 d. Youth regularly associates with others who are involved in delinquent/criminal activity.
 5 e. Youth is a gang member or associates with a gang .

Name of gang _____

Y2. School Behavior/Adjustment

- _____ 0 a. No problems. Youth is attending regularly , graduated , or has GED .
- 1 b. Minor problems. Work effort , or disciplinary problems that were handled by classroom teacher/school personnel or 1-3 unexcused absences/truancy .
- 3 c. Moderate problems. Youth has 4 to 10 unexcused absences , or received 1 or more in-school suspensions , or 1 short-term suspension (i.e. less than 10 days) .
- 4 d. Serious problems. Youth has dropped out of school , or been expelled , or received more than one short-term suspension , or one long-term suspension (10 days or more) , or has more than 10 unexcused absences .

Y3. General Academic Functioning

- _____ 0 a. Generally functioning above or at grade level , or is placed in appropriate Exceptional Children's program .
- 3 b. Generally functioning below grade level. Needs an educational evaluation , or has identified Exceptional Children's needs that are unmet .

Check Assessed Exceptional Children's needs: Autism , Behaviorally Emotionally Disabled , Deaf/Blind , Gifted/Talented , Hearing Impaired , Mentally Disabled , Multi-handicapped , Orthopedically Impaired , Other Health Impaired , Pregnant Student , Specific Learning Disabled , Speech/Language Impaired , Traumatic Brain Injury , Visually Impaired

Y4. Substance Abuse within past 12 months. Do not consider tobacco in this item.

- _____ 0 a. No known substance use.
 1 b. Some substance use, need for further assessment.
 3 c. Substance abuse, assessment and/or treatment needed.

Check all that apply: Denial Refusal of treatment
 Unmet need for treatment Prior treatment failures Currently in treatment

Describe substance abuse noted above by type: (check all that apply, leave blank if none)

Cocaine Amphetamines Opiates Inhalants
 Alcohol Cannabinoids Other

_____ **Y5. Juvenile Parent Status**

- 0 a. Juvenile is not a parent.
1 b. Juvenile is a parent, but does *not* have custody of child.
2 c. Juvenile is a parent or an expectant parent but has adequate childcare support.
4 d. Juvenile is a parent or an expectant parent but inadequate childcare support.
Number of children _____

_____ **Y6. History of Victimization by Caregiver Or Others**

- 0 a. No history or evidence of physical, sexual, or emotional abuse or neglect or other criminal victimization.
2 b. Victimization with appropriate support. History or evidence of physical, sexual, or emotional abuse or neglect or other criminal victimization with appropriate response to protect against subsequent victimization.
3 c. Victimization without support. One or more incidents of victimization; failure to protect against subsequent victimization.
Check all that apply to the youth: physical abuse , sexual abuse , emotional abuse , neglect , criminal victimization , other _____

_____ **Y7. Sexual Behavior During Past 12 Months**

- 0 a. No apparent problem.
2 b. Behavior that needs further assessment such as use of pornography , obscene phone calls , voyeurism , uses sexually explicit language or gestures or other _____
3 c. Engages in sexual practices that are potentially dangerous to self or others .
4 d. Youth's sexual adjustment/behavior results in victimization of others . May use sexual expression/behavior to attain power and control over others .

_____ **Y8. Mental Health**

- 0 a. No need for mental health care indicated.
1 b. Has mental health needs that are being addressed.
3 c. Behavior indicates a need for additional mental health assessment or treatment .
- Check all behaviors that apply:
Withdrawn Self mutilation Sad Runs away
Confused Hallucinations Anxious Fights
Sleep problems Eating problems Angry Restless
Risk-taking/impulsive Other _____
Diagnosis (from MH professional) _____

_____ **Y9. Basic Physical Needs/Independent Living**

- 0 a. Youth is living with parents, guardian or custodian. Basic needs for food, shelter and protection are met.
1 b. Youth is in temporary residential care or shelter or living independently with basic needs for food, shelter and protection being met .2 c. Youth is living with parents, guardian or custodian. Basic needs are not being met. Food needs not met , shelter needs not met , protection needs not met .3 d. Youth is living independently. Basic needs are not being met. Food needs not met , shelter needs not met , protection needs not met .

_____ **Y10. Health & Hygiene (exclude Mental Health Conditions)**

- 0 a. No apparent problem.
1 b. Youth has medical , dental , health/ hygiene education needs which do not impair functioning. Youth uses tobacco products .2 c. Youth has physical handicap or chronic illness that limits functioning and the condition is being treated.
3 d. Youth has physical handicap or chronic illness that limits functioning and the condition is not being treated. Youth does not comply with prescribed medication or has an unmet need for prescribed medication .

Juvenile Name (F, M, L)	DOB:
-------------------------	------

FAMILY NEEDS: Answer the following questions about the juvenile's primary family. The primary family is the juvenile's natural family or the family unit that the juvenile is living with on a permanent basis. If the juvenile is placed away from home, the questions should be answered about the "family" to which the juvenile will be returning. Make any needed clarifying comments in the comment section.

F1. Conflict in the Home Within Past 12 Months

- 0 a. The home environment is relatively supportive; there are no problems that require outside intervention.
- 2 b. Marital or domestic discord resulting in emotional or physical conflict (without serious injury) with spouse, partner, and/or child(ren) . Family members avoid contact with each other .
- 4 c. Domestic violence resulting in injury or the involvement of law enforcement and/or domestic violence programs . Restraining orders/criminal complaints substantiated abuse .
- Check if there is a history of domestic discord or domestic violence .

F2. Supervision Skills

- 0 a. Adequate skills. Parent makes rules for youth and generally enforces them; parent attempts to keep track of the child's activities and uses discipline when needed; youth respects parent for the most part.
- 2 b. Marginal skills. Parent may make rules, but has difficulty enforcing them or youth often engages in inappropriate activities without parent's knowledge or parent does not react with necessary sanctions when rules are broken or parents say they are having difficulty controlling the juvenile .
- 4 c. Inadequate. Parent supports juvenile's delinquency/independence or excuses it or parent refuses responsibility for youth or abandons youth .

F3. Disabilities of Parent, Guardian or Custodian

- 0 a. Parent, guardian or custodian has no known disabilities that interfere with parenting.
- 2 b. Parent, guardian or custodian's ability to provide for youth is impaired by serious mental health disorder or a serious health problem or other disability .

F4. Substance Abuse Within the Past 3 Years By Household Members (Do not include juvenile.)

- 0 a. No evidence of alcohol or drug abuse.
- 3 b. One or more household members abuse alcohol or drugs.
- Indicate all that apply. Parent is abuser Sibling is abuser
- Other household member is abuser Unmet need for treatment Denial
- Refusal of treatment Prior treatment failures Job loss
- DWI Other conflict with the law Abusive/destructive behavior
- Describe substance use/abuse noted above by type (check all that apply, leave blank if none)
- Cocaine Amphetamines Opiates
- Alcohol Cannabinoids Other _____

F5. Family Criminality

- 0 a. No family member (including siblings) has been convicted/adjudicated for criminal acts.
- 1 b. Parents, guardian or custodian and/or siblings have record of convictions/adjudications.
- Parent, guardian or custodian conviction Sibling conviction/adjudication
- 3 c. Parent, guardian or custodian and/or siblings are currently incarcerated, or are on probation or parole (give relationship and status) _____ or are known gang members .

0	Total Needs Score
---	-------------------

Check Needs Level: Low (0-12) Medium (13-22) High (23+)

Sources of information: Check all that apply

Juvenile Mother Father Other Caregiver

Sibling Other relative School Victim

Neighbor Law Enforcement DSS Mental Health

Others _____

ASSESSMENT OF NEEDS COMMENTS:

**ASSESSMENT OF JUVENILE RISK OF FUTURE OFFENDING and
ASSESSMENT OF JUVENILE NEEDS**

SUMMARY AND RECOMMENDATION

Juvenile Name (F, M, L)	
SS#:	DOB:
Date of Assessment and Recommendation	

Total Risk Score _____ **Low Risk (0-7)** **Medium Risk (8-14)** **High Risk (15+)**
Total Needs Score _____ **Low Needs (0-12)** **Medium Needs (13-22)** **High Needs (23+)**

After completing each Needs Assessment item, review the findings and determine the youth's priority needs i.e., those behaviors which must be addressed by service interventions to deter future delinquent behavior. Then enter the priority needs in the boxes below (enter the priority needs item reference; i.e., Y1 , Y2 or F3, etc.) and briefly describe the service intervention recommended. The Needs Assessment plus the Risk Assessment provide the basic information for constructing the case plan.

Priority Needs	Services Recommended
1.	
2.	
3.	
Other:	

Comments:

APPENDIX A.3

**Table A.3-1
Number and Percentage of Juveniles with Risk and/or Needs Assessments
by Level of Involvement**

Level of Involvement	N	No Risk or Needs		Risk Only		Needs Only		Both Risk and Needs	
		N	%	N	%	N	%	N	%
Adjudicated	5,826	207	3.5	22	0.4	121	2.1	5,476	94.0
Dismissed	2,117	566	26.7	20	0.9	31	1.5	1,500	70.9
Diverted	5,014	583	11.6	168	3.4	96	1.9	4,167	83.1
Closed	4,703	1,434	30.5	90	1.9	74	1.6	3,105	66.0
TOTAL	17,660	2,790	15.8	300	1.7	322	1.8	14,248	80.7

Note: Risk and/or needs assessments were counted if the assessment was completed within a year of the date the complaint was received.

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2008/09 Juvenile Recidivism Sample

APPENDIX B

JUVENILE DISPOSITION CHART

JUVENILE DISPOSITION CHART

Offense Classification	Delinquency History Level		
	Low 0 – 1 points	Medium 2 – 3 points	High 4 or more points
Violent Class A – E felonies	Level 2 or 3	Level 3	Level 3
Serious Class F – I felonies Class A1 misdemeanors	Level 1 or 2	Level 2	Level 2 or 3
Minor Class 1 – 3 misdemeanors	Level 1	Level 1 or 2	Level 2

Offense Classification (G.S. 7B-2508)

Violent – Adjudication of a Class A through E felony offense.

Serious – Adjudication of a Class F through I felony offense or a Class A1 misdemeanor.

Minor – Adjudication of a Class 1, 2, or 3 misdemeanor.

Delinquency History Levels (G.S. 7B-2507(c))

Points

For each prior adjudication of a Class A through E felony offense, 4 points.

For each prior adjudication of a Class F through I felony offense or a Class A1 misdemeanor offense, 2 points.

For each prior adjudication of a Class 1, 2, or 3 misdemeanor, 1 point.

If the juvenile was on probation at the time of the offense, 2 points.

Levels

Low – No more than 1 point.

Medium – At least 2, but not more than 3 points.

High – At least 4 points.

APPENDIX C

DISPOSITIONAL OPTIONS

DISPOSITIONAL OPTIONS

Level 1 Community	Level 2 Intermediate	Level 3 Commitment
<ul style="list-style-type: none"> ▪ intensive substance abuse treatment program ▪ excuse from school attendance ▪ residential treatment program ▪ in-home supervision ▪ community-based program ▪ custody ▪ restitution up to \$500 ▪ nonresidential treatment program ▪ not associate with specified persons ▪ community service up to 100 hours ▪ victim-offender reconciliation ▪ probation ▪ no driver's license ▪ intermittent confinement up to 5 days ▪ fine ▪ not be in specified places ▪ curfew ▪ wilderness program ▪ supervised day program 	<ul style="list-style-type: none"> ▪ intensive substance abuse treatment program ▪ residential treatment program ▪ intensive nonresidential treatment program ▪ wilderness program ▪ group home placement ▪ intensive probation ▪ supervised day program ▪ regimented training program ▪ house arrest with/without electronic monitoring ▪ suspension of more severe disposition w/conditions ▪ intermittent confinement up to 14 days ▪ multipurpose group home ▪ restitution over \$500 ▪ community service up to 200 hours 	<ul style="list-style-type: none"> ▪ 6 month minimum commitment ▪ minimum 90 day post-release supervision

APPENDIX D

JUVENILES ADJUDICATED AND DISPOSED

JUVENILES ADJUDICATED AND DISPOSED²⁸

Descriptive Information

Table D-1
Identifying Juveniles Adjudicated and Disposed

Total Number of Adjudicated Juveniles	Was a Disposition Imposed during FY 2008/09?			
	Yes		No	
	n	%	n	%
5,826	5,508	94.5	318	3.5

Note: In the juvenile justice system, the dispositional hearing often occurs at a later date than the adjudicatory hearing in order for a pre-disposition report to be completed. As a result, a disposition hearing may not have occurred during FY 2008/09 for the adjudicated juveniles in the sample.

Source: NC Sentencing and Policy Advisory Commission, FY 2008/09 Juvenile Recidivism Sample

Table D-2
**Offense Classification of the Sample Offense by Adjudicated Offense
Juveniles Adjudicated and Disposed**

Sample Offense Classification	N	Adjudicated Offense Classification			%
		% Violent n=138	% Serious n=1,355	% Minor n=4,015	
Violent	247	55.9	33.2	10.9	4.5
Serious	1,887	0.0	67.4	32.6	34.2
Minor	3,374	0.0	0.0	100.0	61.3
Total	5,508	2.5	24.6	72.9	100.0

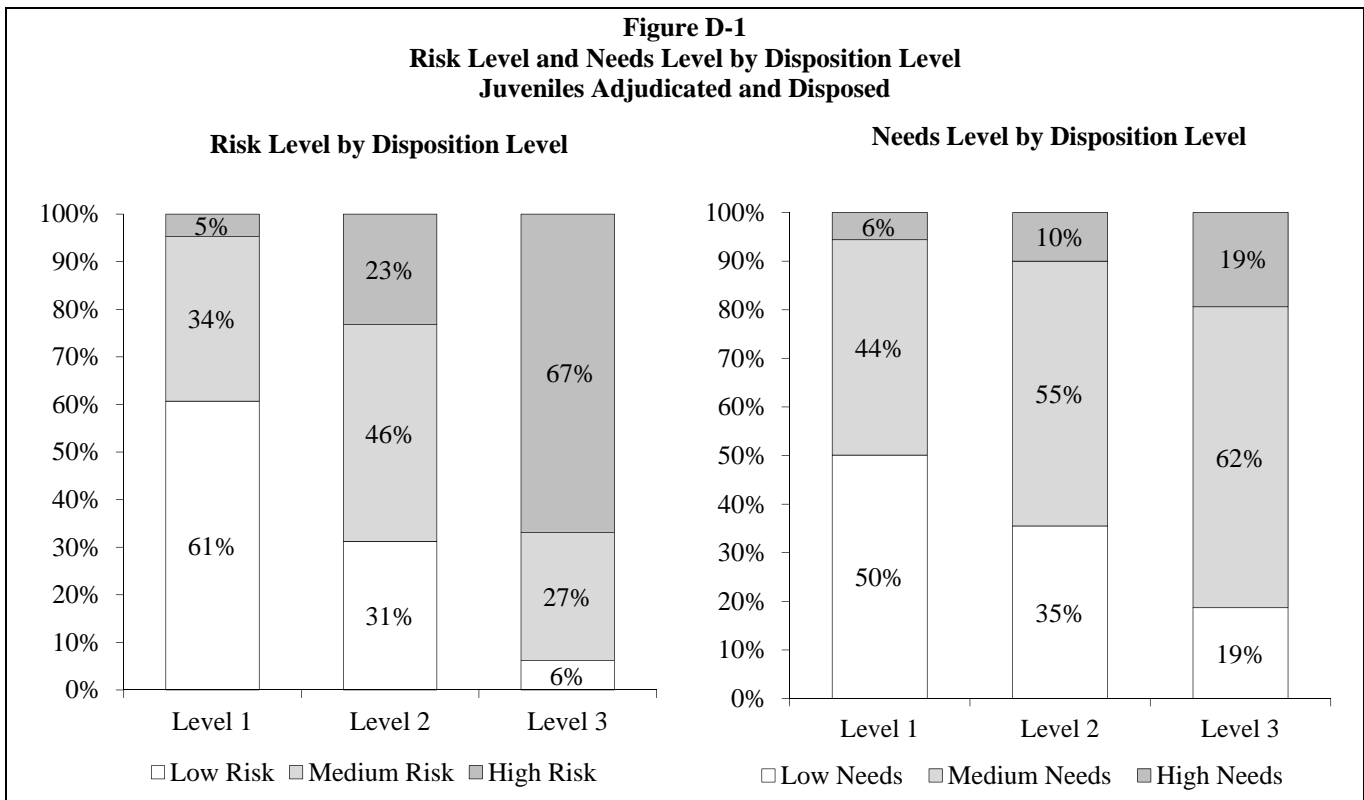
Source: NC Sentencing and Policy Advisory Commission, FY 2008/09 Juvenile Recidivism Sample

²⁸ For comparative purposes, see Chapter Three in the Sentencing Commission's juvenile recidivism studies published in 2009 and 2011.

Table D-3
Offense Classification of the Adjudicated Offense by Delinquency History Level
Juveniles Adjudicated and Disposed

Adjudicated Offense Classification	N	Delinquency History Level			% Total n=5,508
		% Low n=4,297	% Medium n=685	% High n=526	
Violent	138	71.0	13.1	15.9	2.5
Serious	1,355	71.2	16.0	12.8	24.6
Minor	4,015	80.6	11.2	8.2	72.9
Total	5,508	78.0	12.4	9.6	100.0

Source: NC Sentencing and Policy Advisory Commission, FY 2008/09 Juvenile Recidivism Sample



Note: Of the 5,508 juveniles adjudicated and disposed, there were 272 cases with missing values for risk level and 176 cases with missing values for needs level.

Source: NC Sentencing and Policy Advisory Commission, FY 2008/09 Juvenile Recidivism Sample

Table D-4
Disposition Levels by Offense Classification and Delinquency History Level
Juveniles Adjudicated and Disposed

Offense Classification	Delinquency History Level			TOTAL
	Low 0 – 1 Point	Medium 2 – 3 Points	High 4+ Points	
Violent (Class A – Class E)	<u>Level 2/Level 3</u> Level 1: 2 (2.0%) Level 2: 77 (78.6%) Level 3: 19 (19.4%) n = 98	<u>Level 3</u> Level 1: 0 (0.0%) Level 2: 10 (55.6%) Level 3: 8 (44.4%) n = 18	<u>Level 3</u> Level 1: 0 (0.0%) Level 2: 8 (36.4%) Level 3: 14 (63.6%) n = 22	Level 1: 2 (1.5%) Level 2: 95 (68.8%) Level 3: 41 (29.7%) n = 138
Serious (Class F – Class A1)	<u>Level 1/Level 2</u> Level 1: 439 (45.5%) Level 2: 522 (54.2%) Level 3: 3 (0.3%) n = 964	<u>Level 2</u> Level 1: 33 (15.2%) Level 2: 180 (83.0%) Level 3: 4 (1.8%) n = 217	<u>Level 2/Level 3</u> Level 1: 2 (1.2%) Level 2: 122 (70.1%) Level 3: 50 (28.7%) n = 174	Level 1: 474 (35.0%) Level 2: 824 (60.8%) Level 3: 57 (4.2%) n = 1,355
Minor (Class 1 – Class 3)	<u>Level 1</u> Level 1: 3,104 (96.0%) Level 2: 130 (4.0%) Level 3: 1 (0.0%) n = 3,235	<u>Level 1/Level 2</u> Level 1: 117 (26.0%) Level 2: 330 (73.3%) Level 3: 3 (0.7%) n = 450	<u>Level 2</u> Level 1: 16 (4.9%) Level 2: 274 (83.0%) Level 3: 40 (12.1%) n = 330	Level 1: 3,237 (80.6%) Level 2: 734 (18.3%) Level 3: 44 (1.1%) n = 4,015
TOTAL	Level 1: 3,545 (82.5%) Level 2: 729 (17.0%) Level 3: 23 (0.5%) n = 4,297	Level 1: 150 (21.9%) Level 2: 520 (75.9%) Level 3: 15 (2.2%) n = 685	Level 1: 18 (3.4%) Level 2: 404 (76.8%) Level 3: 104 (19.8%) n = 526	Level 1: 3,713 (67.4%) Level 2: 1,653 (30.0%) Level 3: 142 (2.6%) n = 5,508

Note: In FY 2008/09, there were 252 juveniles (or 4.6%) involving a disposition not specified by the dispositional chart. However, it must be noted that certain provisions of the juvenile code allow a judge to impose a disposition other than those specified by the chart. Under G.S. 7B-2508(e), judges may find “extraordinary needs” and impose a lower level disposition. Under G.S. 7B-2508(g), juveniles adjudicated delinquent for a minor offense with four or more prior adjudications may be committed to a YDC. Finally, under G.S. 7B-2508(d), juveniles adjudicated for a minor offense with a previous Level 3 disposition may be committed to a YDC.

Source: NC Sentencing and Policy Advisory Commission, FY 2008/09 Juvenile Recidivism Sample

Recidivism Results

**Table D-5
Recidivism Rates by Individual Components of the Juvenile Disposition Chart
during the Three-Year Follow-Up
Juveniles Adjudicated and Disposed**

Individual Components of the Juvenile Disposition Chart	Subsequent Complaints		Adult Arrests		Overall Recidivism	
Adjudicated Offense Classification	n	%	n	%	N	%
Violent (Class A – Class E)	106	23.6	127	22.8	138	37.7
Serious (Class F – Class A1)	1,185	43.5	1,206	32.3	1,355	55.1
Minor (Class 1 – Class 3)	3,628	46.7	3,569	33.1	4,015	59.5
Delinquency History Level	n	%	n	%	N	%
Low (0 – 1 point)	3,861	44.2	3,762	29.0	4,297	54.6
Medium (2 – 3 points)	606	50.8	634	40.5	685	67.5
High (4 or more points)	452	48.7	506	49.4	526	72.43
Disposition Level	n	%	n	%	N	%
Level 1 (Community)	3,365	44.5	3,238	29.3	3,713	55.2
Level 2 (Intermediate)	1,447	48.9	1,527	38.4	1,653	63.7
Level 3 (YDC Commitment)	107	29.0	137	47.5	142	59.9
Adjudicated and Disposed	4,919	45.4	4,902	32.6	5,508	57.9
SAMPLE TOTAL	16,308	34.4	14,700	23.7	17,660	44.0

Source: NC Sentencing and Policy Advisory Commission, FY 2008/09 Juvenile Recidivism Sample

APPENDIX E

JUVENILES DIVERTED

JUVENILES DIVERTED²⁹

Descriptive Information

Table E-1
Completion Rates by Type of Diversion Plan
Juveniles Diverted

Type of Diversion Plan	N	% Successful n=3,909	% Unsuccessful n=811	% Other n=294
Contract	2,356	75.9	18.6	5.5
Plan	2,658	79.8	14.0	6.2
Diverted	5,014	78.0	16.2	5.8

Note: The “Unsuccessful” category applies to juveniles who were referred to a program and they did not go or they failed to cooperate with the program placement. These juveniles may have received another delinquent complaint while under the diversion plan in this category. Generally, the juveniles in this category are approved for court. The “Other” category applies to juveniles who do not complete their diversion program, but their non-completion may not be due to any fault of their own (*i.e.*, family moved and closure is appropriate, complainant does not want to pursue program completion, medical/mental health issues prevent completion). Generally, the juveniles in this category are not approved for court.

Source: NC Sentencing and Policy Advisory Commission, FY 2008/09 Juvenile Recidivism Sample

Recidivism Results

Table E-2
Recidivism Rates by Court Status during the Three-Year Follow-Up
Juveniles Diverted

Court Status of Juveniles Diverted	Subsequent Complaints		Adult Arrests		Overall Recidivism	
	n	%	n	%	n	%
Approved for Court	611	63.2	504	23.4	618	68.9
Not Approved for Court	4,266	26.4	3,449	15.0	4,396	33.4
Diverted	4,877	31.0	3,953	16.0	5,014	37.8
SAMPLE TOTAL	16,308	34.4	14,700	23.7	17,660	44.0

Source: NC Sentencing and Policy Advisory Commission, FY 2008/09 Juvenile Recidivism Sample

²⁹ For comparative purposes, *see* Chapter Two in the Sentencing Commission’s juvenile recidivism studies published in 2009 and 2011.