

REPORT FROM THE JUVENILE AGE SUBCOMMITTEE

Professor Jessica Smith, Committee Reporter

Juvenile Age



Subcommittee

- William “Billy” Lassiter, Deputy Commissioner Juvenile Justice
- Jim Woodall, DA
- Asa Buck, Sheriff & Commissioner
- Eric Zogry, NC’s Juvenile Defender
- Dick Adams, Crime Victims Compensation Committee & Commissioner
- Paul Holcombe, D.Ct. Judge & Commissioner
- Michelle Hall, Exec. Director, NC Sentencing & Policy Advisory Commission
- LaToya Powell, Assistant Professor, UNC SOG
- Eddie Caldwell, Sheriff’s Association

December 11, 2015
NC Judicial Center
Agenda

- 10:00 **Welcome & Approval of Minutes of October Meeting**
Judge Wagoner, Commission Member
Overview of Meeting
Professor Jessica Smith, Committee Reporter
- 10:10 **Perspectives from a District Court Judge**
Charles E. Brown, Chief District Court Judge (19C)
- 10:30 **Juvenile Court in North Carolina—History & Overview**
LaToya Powell, Assistant Professor, UNC School of Government
- 11:25 **The Science Behind the Issue: Adolescent Development**
Cindy C. Cottle, Ph.D.
- 12:15 **Lunch**
Committee members & invited guests: Please bring your lunch back into the meeting room. The next session will begin over lunch.
- 12:30 **Comparative Statistical Profile of Young Offenders in North Carolina**
Michelle Hall, Senior Research and Policy Associate, NC Sentencing & Policy Advisory Commission
- 1:20 **Pilot Projects**

Durham’s Misdemeanor Diversion Program
Marcia H. Morey, Chief District Court Judge (Durham)

Pilot Project: Reducing Referrals from Schools to Juvenile & Criminal Courts
J. H. Corpening, Chief District Court Judge (Wilmington)
- 2:00 **Law Enforcement & Prosecutors Perspectives on the Issue**
Andrew Murray, District Attorney & Commission Member
Edmond W. Caldwell, Jr., Executive VP & General Counsel, NC Sheriffs’ Association
Police Chief Frank Palombo (retired; New Bern)
- 2:30 **Perspectives from the Juvenile Justice System**
W. David Guice, Commissioner, Division of Adult Correction and Juvenile Justice
William Lassiter, Deputy Commissioner—Juvenile Justice, DACJJ

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Criminal Investigation & Adjudication Committee
Juvenile Jurisdiction Subcommittee
 Criminal Investigations and Adjudication Committee
 February 18, 2016

- 10:30 am **Welcome—Overview of the Meeting**
- 10:35 am **Additional Information from Juvenile Justice**
 William Lassiter, Deputy Commissioner for Juvenile Justice, Division of Adult
 Correction and Juvenile Justice, Department of Public Safety
 Maxine Evans-Armwood, Court Services Area Administrator, Central Area
 Kimberly Quintus, Juvenile Justice Policy, Training & Strategic Planning Director
 Cindy Porterfield, Director of Community Programs
 Shannon Haynes, Data & Business Analyst, NCDPS
- 12:15 pm **Break**
 Commissioners, Subcommittee Members & Presenters please grab lunch; the
 meeting will continue over lunch
- 12:30 pm **Discussion of Draft Recommendations**
- 3:30 pm **Adjourn**

- 10:00 **Welcome & Approval of Minutes of October Meeting**
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 Charles E. Brown, Chief District Judge
- 10:30 **Juvenile Court in North Carolina**
 LaToya Powell, Assistant District Judge
- 11:25 **The Science Behind the Numbers**
 Cindy C. Cottle, Ph.D.
- 12:15 **Lunch**
 Committee members & interested parties in the meeting room. The next session will begin at 12:30 pm.
- 12:30 **Comparative Statistical Analysis of Juvenile Justice**
 Michelle Hall, Senior Researcher, Policy Advisory Commission
- 1:20 **Pilot Projects**
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Pilot Project: Reducing Referrals to Juvenile Court
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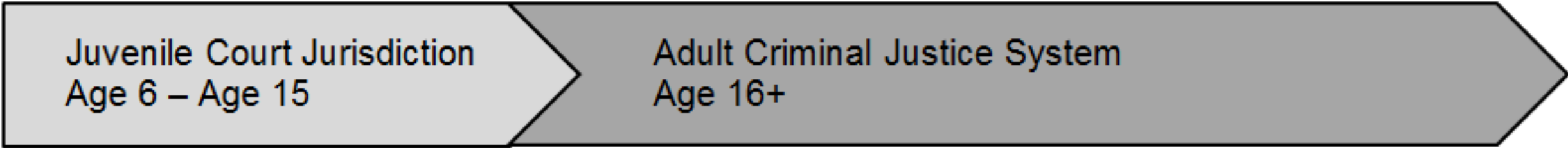
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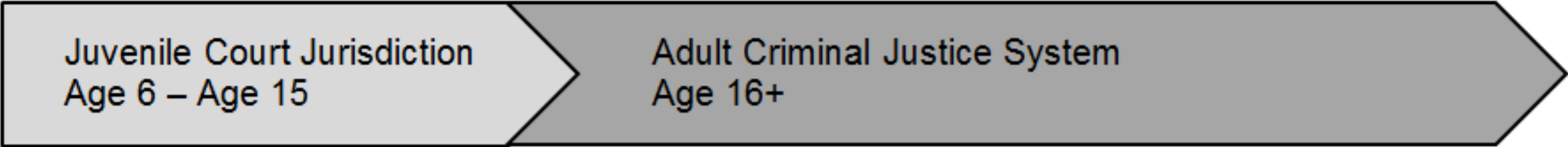
**Criminal Investigation & Adjudication Committee
 Juvenile Jurisdiction Subcommittee**
 NC Judicial Center
 March 28, 2016

- 10:30 **Welcome & approval of minutes from last subcommittee meeting**
 Judge Webb, Committee Chair
- 10:35 **Overview of the meeting**
 Prof. Jessie Smith, Committee Reporter
- 10:40 **Data & assumptions underlying Vera cost-benefit analysis**
 Michelle Hall, Executive Director, North Carolina Sentencing and Policy Advisory Commission
- 11:10 **Additional information from the Division of Juvenile Justice**
 William Lassiter, Deputy Commissioner for Juvenile Justice Division of Adult Correction and Juvenile Justice
- 11:45 **Review of changes to draft recommendations**
 Jessie Smith
- 12:30 **Lunch break**
- 1:00 **Discussion of statutory exclusion & prosecutor discretion alternatives for serious crimes**
 Jessie Smith
- 2:00 **Additional feedback & discussion regarding draft recommendations**
 Judge Webb
- 3:30 **Adjourn**



Juvenile Court Jurisdiction
Age 6 – Age 15

Adult Criminal Justice System
Age 16+



Juvenile Court Jurisdiction
Age 6 – Age 15

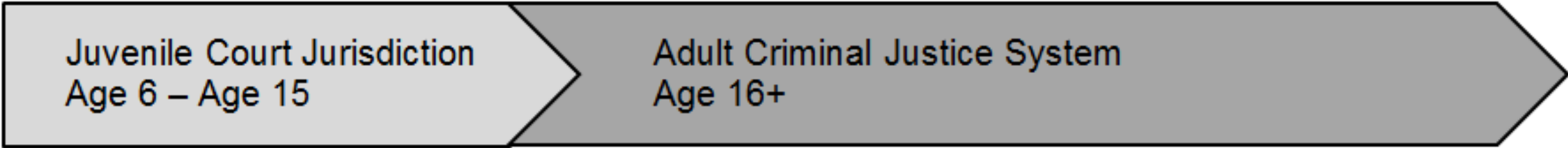
Adult Criminal Justice System
Age 16+

- Charged like an adult
- Held in jail
- Convicted of a crime
- Little parental involvement
- Serves sentence in prison
- All records are public
- Severe collateral consequences

Juvenile Court Jurisdiction
Age 6 – Age 15

Adult Criminal Justice System
Age 16+

- Complaint in juvenile court
 - Evaluated for appropriate action
 - Diversion is an option
 - Heard in juvenile court
 - Parent required to be involved
 - Sanctions on a continuum
 - Confined in youth facility
 - Records are confidential
 - Avoids collateral consequences
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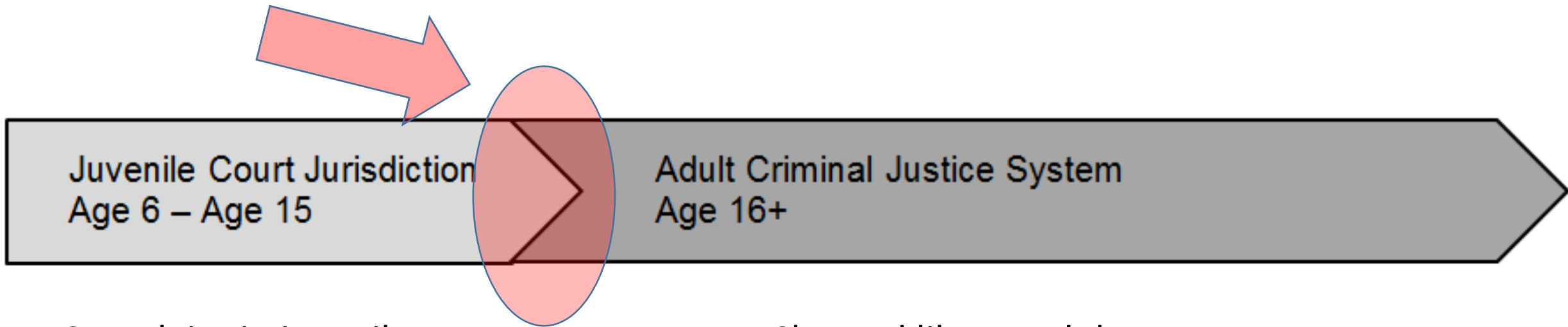
76% success rate

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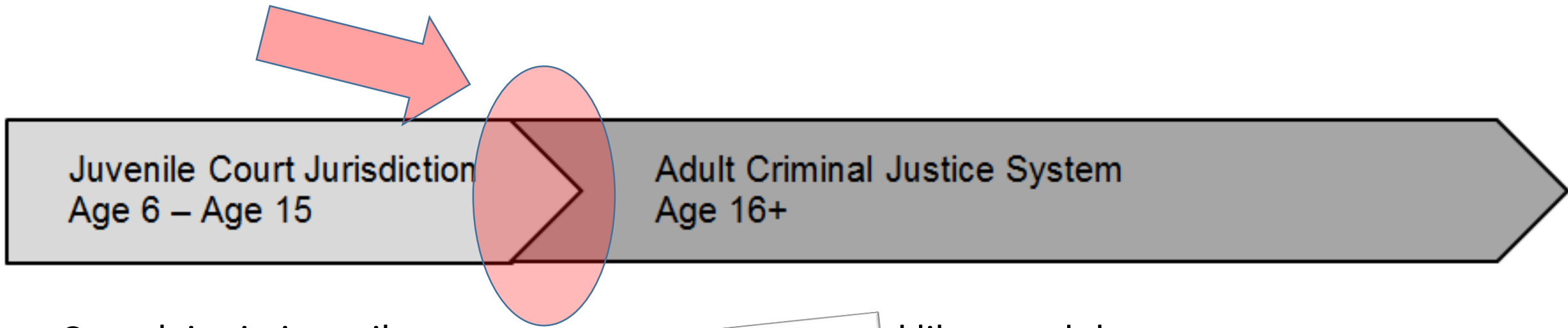
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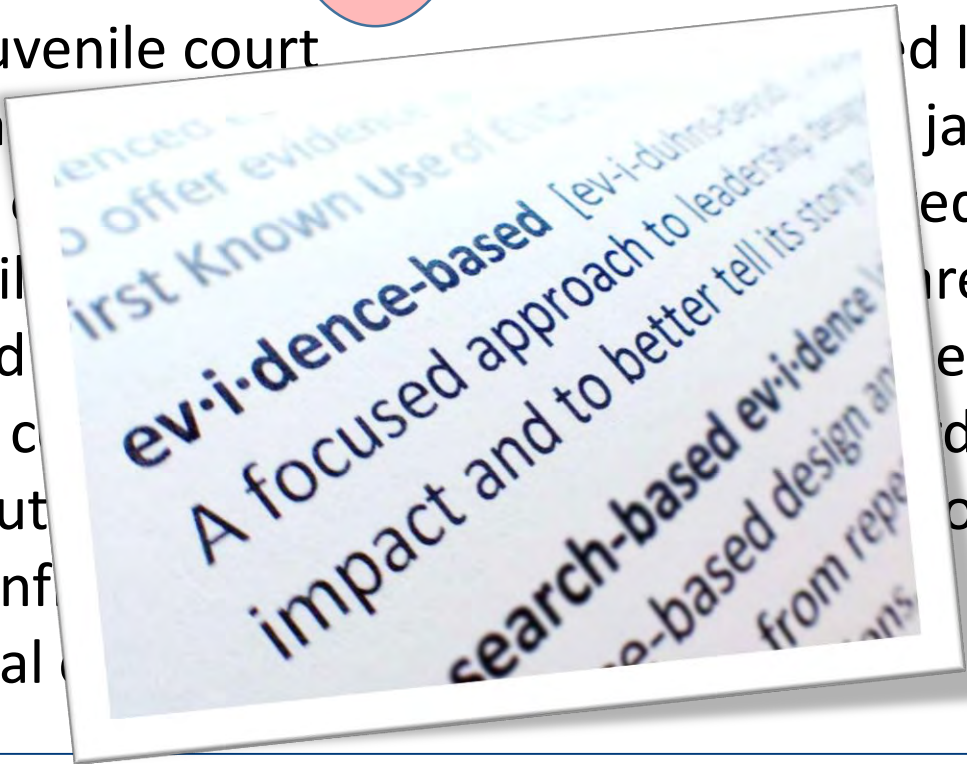


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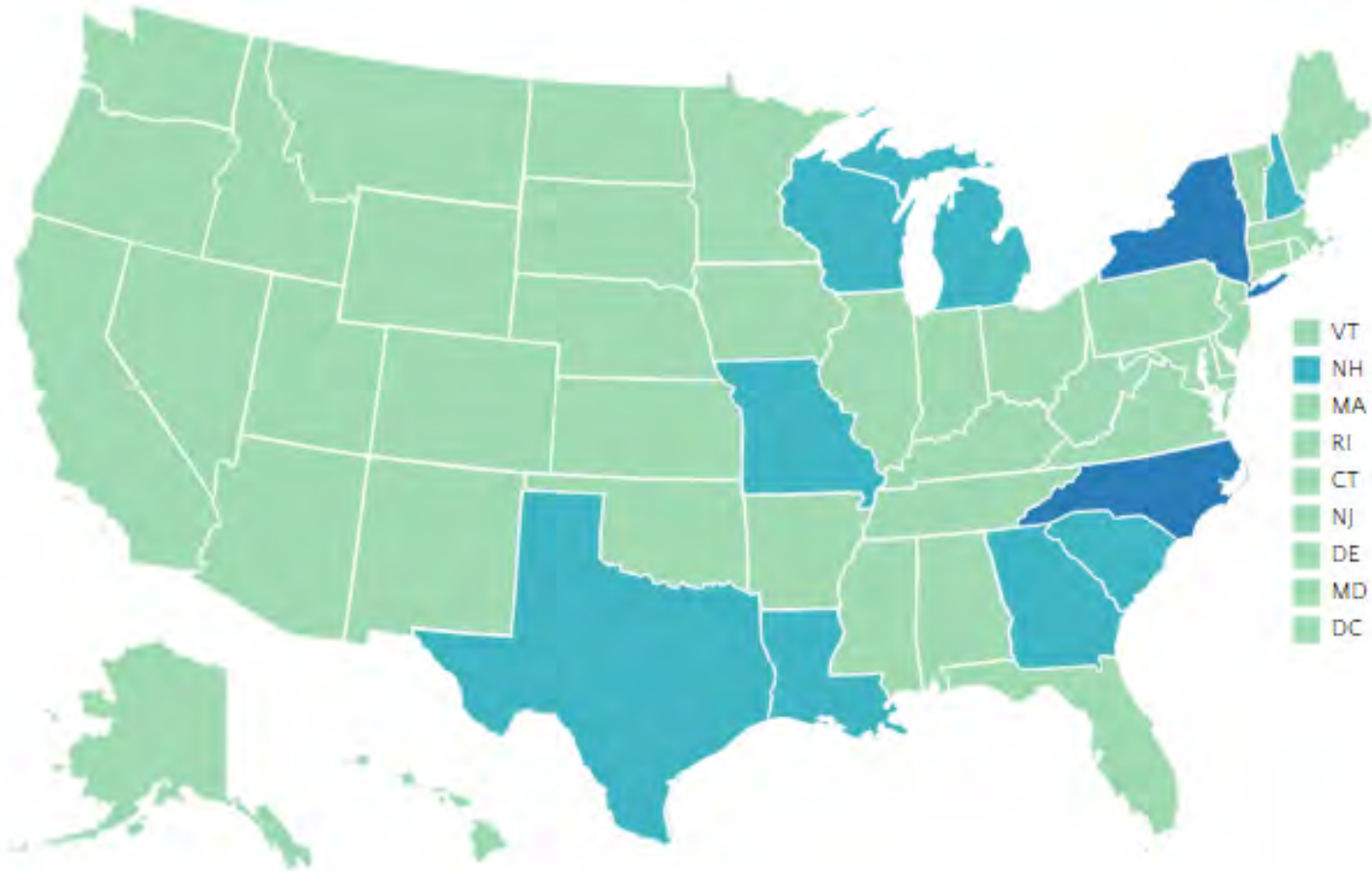
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Most NC Youthful Offenders Commit Misdemeanors & Non-Violent Felonies

Violent felonies	3.3%
Misdemeanors	80.4%
Non-violent felonies	16.3%









**SAFETY
FIRST**

The criminal system lacks the ability to implement targeted, juvenile-specific, effective interventions for rehabilitation within a framework of parental and community involvement to include mental health, education, and social services participation in the continuum of care

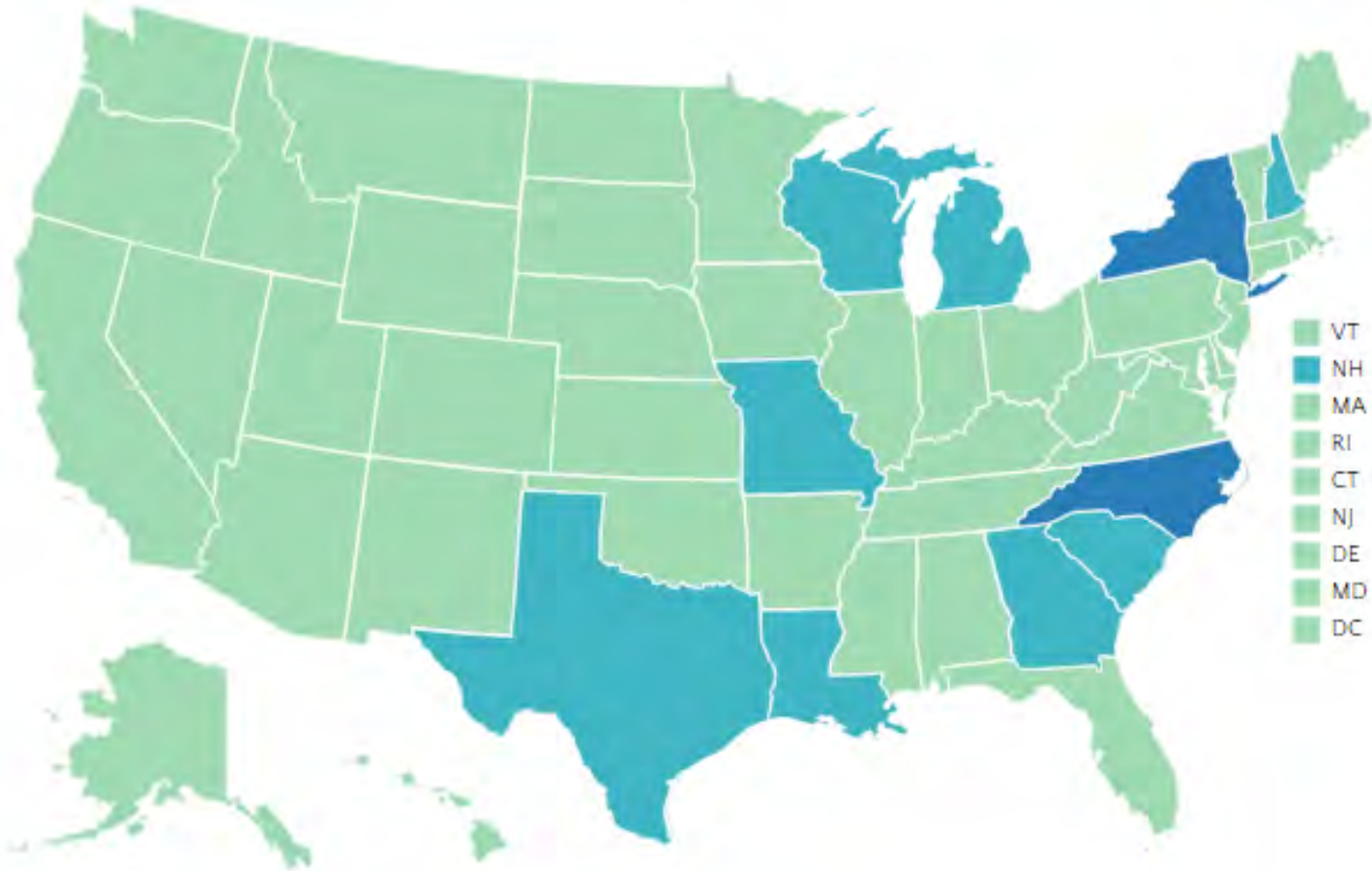


Recidivism





- (1) In 2009, the Governor's Crime Commission Juvenile Age Study submitted to the General Assembly included a cost-benefit analysis of raising the age of juvenile court jurisdiction to 18. The analysis, done by ESTIS Group, LLC, found that the age change would result in a net benefit to the state of \$7.1 million.⁷⁶
- (2) In 2011, the Youth Accountability Planning Task Force submitted its final report to the General Assembly. The Task Force's report included a cost-benefit analysis, done by the Vera Institute of Justice, of prosecuting 16 and 17-year-old misdemeanants and low-level felons in juvenile court. That report estimated net benefits of \$52.3 million.⁷⁷







“Cost savings and improved public safety”











- Engage in greater risk-taking behavior
- Lesser ability to regulate behavior
- More responsive to peer influence
- Less able to weigh long-term consequences
- More sensitive to rewards, especially immediate ones
- Less able to control impulsive behaviors/choices
- Less responsive to threat of criminal sanctions



- Less culpable
- Lifetime disability inconsistent with fact that most youth mature out of crime
- Non-punitive responses work with youth
- Create positive peer influences



Youth is more than a chronological fact. It is a time of immaturity, irresponsibility, impetuosity, and recklessness. It is a moment and condition of life when a person may be most susceptible to influence and to psychological damage. And its signature qualities are all transient.

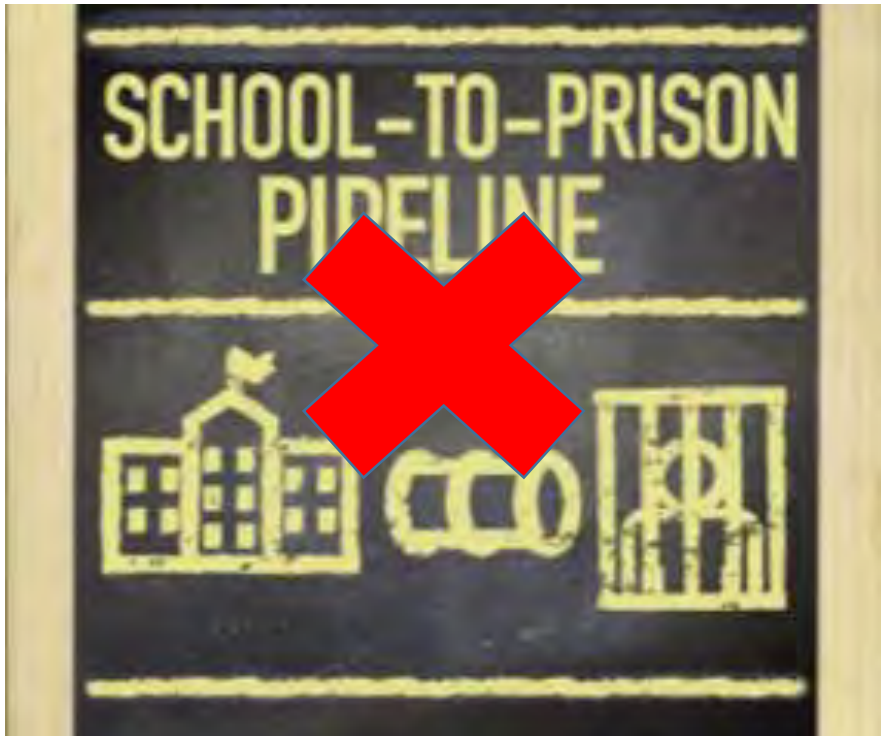




- Roper: No capital punishment
- Graham: No life w/o possibility of parole for non-homicide crimes
- Miller: No mandatory life w/o parole







Executive Summary

North Carolina stands alone in its treatment of 16- and 17-year-olds (“youthful offenders”) like adults for purposes of the criminal justice system. In 1919, North Carolina determined that juvenile court jurisdiction would extend only to those under 16 years old. A substantial body of evidence suggests that both youthful offenders and society benefit when persons under 18 years old are treated in the juvenile justice system rather than the criminal justice system. In response to this evidence, other states have raised the juvenile age. Notwithstanding recommendations from two legislatively-mandated studies of the issue, positive experiences in other states that have raised the age, and two cost-benefit studies showing that raising the age would benefit the state economically, North Carolina has yet to take action on this issue.

After careful review and with historic support of all stakeholders,¹ the Committee recommends that North Carolina raise the age of juvenile court jurisdiction to include youthful offenders aged 16 and 17 years old for all crimes except Class A through E felonies and traffic offenses.² This recommendation is contingent on:



- 1. Raise the age of juvenile court jurisdiction to include youthful offenders aged 16 and 17 years old for all crimes except Class A through E felonies and traffic offenses**

1. Raise the age of juvenile court jurisdiction to include youthful offenders aged 16 and 17 years old for all crimes except Class A-E felonies and traffic offenses
2. **Class A-E felonies by 16- and 17- year olds originate in juvenile court but are automatically transferred to superior court after probable cause or by indictment**

1. Raise the age of juvenile court jurisdiction to include youthful offenders aged 16 and 17 years old for all crimes except Class A-E felonies and traffic offenses
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1. Raise the age of juvenile court jurisdiction to include youthful offenders aged 16 and 17 years old for all crimes except Class A-E felonies and traffic offenses
2. Class A-E felonies by 16- and 17- year olds originate in juvenile court but are automatically transferred to superior court after probable cause or by indictment
3. **Juvenile court counselor must, upon request, disclose to a sworn NC law enforcement officer information about a juvenile's record & prior law enforcement consultations with a juvenile court counselor about the juvenile, for the purpose of assisting the officer in exercising his or her discretion about how to handle an incident being investigated by the officer which could result in the filing of a complaint**

1. Raise the age of juvenile court jurisdiction to include youthful offenders aged 16 and 17 years old for all crimes except Class A-E felonies and traffic offenses
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4. **Requiring the Division of Juvenile Justice to track all consultations with law enforcement officers about a juvenile**

5. **Require the Division of Juvenile Justice to provide more information to complainants and victims about dismissed, closed, and diverted complaints**

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6. **Amending G.S. 7B-1704 to provide that the victim has a right to seek review by the prosecutor of a juvenile court counselor's decision not to approve the filing of a petition**

5. Require the Division of Juvenile Justice to provide more information to complainants and victims about dismissed, closed, and diverted complaints
6. Amending G.S. 7B-1704 to provide that the victim has a right to seek review by the prosecutor of a juvenile court counselor's decision not to approve the filing of a petition
- 7. Improving the JWisE system to give the prosecutor electronic access to an individual's juvenile delinquency record statewide**

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7. Improving the J Wise system to give the prosecutor electronic access to an individual's juvenile delinquency record statewide
8. **Full funding to implement the recommended changes**



5. Require the Division of Juvenile Justice to provide more information to complainants and victims about dismissed, closed, and diverted complaints
6. Amending G.S. 7B-1704 to provide that the victim has a right to seek review by the prosecutor of a juvenile court counselor's decision not to approve the filing of a petition
7. Improving the JWisE system to give the prosecutor electronic access to an individual's juvenile delinquency record statewide
- 8. Full funding to implement the recommended changes**

This last contingency bears special emphasis: The stakeholders are unanimous in the view that full funding must be provided to implement these recommendations and that an unfunded or partially unfunded mandate to raise the age will be detrimental to the court system and community safety.

5. Require the Division of Juvenile Justice to provide information to parents and victims about dismissed, closed, and diverted cases
6. Amending G.S. 7B-1704 to provide that the victim has the right to be heard by the prosecutor of a juvenile court counselor's decision on a petition
7. Improving the J Wise system to give the prosecutor access to the juvenile delinquency record statewide
8. Full funding to implement the recommended changes
9. **To reduce costs, state-wide implementation of existing pilot programs to reduce school-based referrals to the juvenile justice system**



5. Require the Division of Juvenile Justice to notify complainants and victims about dismissed charges
6. Amending G.S. 7B-1704 to allow a complainant to file a petition with the prosecutor of a juvenile court to request a hearing by the court to review by the court the validity of a petition
7. Improving the JWisE system to track and report on juvenile delinquency records
8. Full funding to implement the recommended changes
9. To reduce costs, state-wide implementation of existing pilot programs to reduce school-based referrals to the juvenile justice system
- 10. Regular juvenile justice training for sworn law enforcement officers**



5. Require the Division of Juvenile Justice to notify parents and victims about dismissed charges
6. Amending G.S. 7B-1704 to require the prosecutor of a juvenile court to file a petition
7. Improving the J Wise system to track juvenile delinquency records
8. Full funding to implement the changes
9. To reduce costs, state-wide implementation of existing pilot programs to reduce school-based referrals to the juvenile justice system
10. Regular juvenile justice training for sworn law enforcement officers
- 11. Limited term standing committee to address implementation issues**



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6. Amending G.S. 7B-1704 to provide that the victim has a right to seek review by the prosecutor of a juvenile court counselor's decision not to approve the filing of a petition
7. Improving the JWisE system to give the prosecutor and the juvenile's attorney electronic access to an individual's juvenile delinquency record statewide
8. Adequate funding to implement the recommended changes
9. To reduce costs, state-wide implementation of existing pilot programs to reduce school-based referrals to the juvenile justice system
10. Regular juvenile justice training for sworn law enforcement officers
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