



Juvenile Justice in Mecklenburg County

National Juvenile Justice Awareness Month October (2018)

Raise the Age

What does NC Raise the age legislation do?

- Raises the age of adult criminal responsibility from 16 to 18 effective December 2019.
- Establishes a special transfer process for 16- and 17-year-olds charged with certain felonies.
- Requires schools and law enforcement to partner in reducing school-based referrals to court.
- Allows victims to request the District Attorney (DA) to review decisions not to file charges.
- Increases access to information and the state-wide data system for law enforcement, DA, and public defenders.
- Adds a gang assessment to intake procedures and increases the severity of punishment if charges are related to criminal gang activity.
- Creates a Juvenile Justice Advisory Committee (JJAC) to plan and monitor implementation, and provide regular recommendations to the state legislature.

A Glimpse into the System



RTA is expected to increase juvenile court caseloads by 50%

6

the age when a child can be formally charged in court

13

the age when a child can be transferred to ADULT court

more than

83%

of diverted 16- and 17-year-olds successfully avoid court involvement [1]

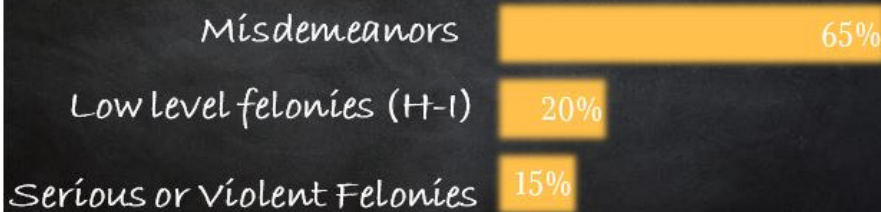
Funding Allocated Solely for Youth Prisons

When passing Raise the Age legislation, the North Carolina General Assembly (NCGA) allocated \$13.2 million for a new Youth Development Center (YDC) and \$200,000 for a new fence at a current YDC. These allocations prioritize punitive approaches to juvenile justice which is contrary to its intended rehabilitative function.[2] Raising the age is an opportunity to reinvest in our kids - adequate return on that investment requires funding community-based interventions.

Most youth are accused of minor crimes^[3]



The percent of 16- and 17-year-olds accused of misdemeanors or low level felonies



Policy Opportunity: Encourage NC General Assembly to Fund Community-Based Interventions

Punitive models (e.g., probation, surveillance, boot camps, group homes, incarceration) increase the likelihood children will engage in disruptive behaviors.^[4] A prosocial, rehabilitative approach offers court-involved youth additional supports that encourage children to live a positive, safe, law-abiding lifestyle, and can reduce recidivism. Community-based programs have been effective in reducing delinquent behavior when they address risk factors, such as family dysfunction, substance abuse.^[5]

In order to adequately and appropriately Raise the Age, the NCGA must allocate funds to community-based intervention programs.



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<http://www.cfcrights.org/>

Proposed Next Steps

1. Redefine motor vehicle offenses

Motor vehicle offenses (e.g., speeding tickets) are classified as adult offenses and will count toward the "once an adult, always an adult" provision.

2. Resolve 'Once an adult, always an adult'

Any child with charges in adult court, whether for a motor vehicle offense, an A-G felony, or by discretion of the court, will stay in the adult court system for any future charges. Our children need a process through which their case can be returned to juvenile court.

3. Extend hearing time frames

The special transfer process for A-G felonies provides district attorneys (DAs) with only 15 days to decide where the case will be heard. With an increased workload, they will not have time to adequately review cases and make charging decisions. Without extending the time frame, they will resort to automatically seeking transfer to adult court for any 16- or 17-year-old with certain felonies. The JJAC recommends extending that time frame to 60 or 90 days.

4. Give Judges and DAs some discretion

Instead of automatically transferring 16- and 17-year-olds charged with certain felonies to adult court, give judges and district attorneys the opportunity to consider the circumstance. Permitting discretion may keep more children out of the adult system.

5. Create a uniform data system

Create and fund a data and case management system that can be used by both juvenile and adult court stakeholders (DAs, Public Defenders, Court Counselors, etc.). This technology lends itself to improved data collection and access.

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[1] Charlotte-Mecklenburg Police Department, Youth Diversion Unit. (2018). Personal Communication
 [2] North Carolina General Assembly. (2017). Appropriations act of 2017. Retrieved from <https://www.ncleg.net/Sessions/2017/Bills/Senate/PDF/S257v9.pdf>
 [3] North Carolina Department of Public Safety. (2017) County databook. Retrieved from: <https://www.ncdps.gov/documents/2017-county-databook>
 [4] Henggeler, S.W. & Sohoenwald, S.K. (2011). Evidence-based interventions for juvenile offenders and juvenile justice policies that support them. Social Policy Report, 25(1).
 [5] Pringle, S. (2015). Strengthening juvenile defense representation by partnering with social workers: A holistic approach. Retrieved from http://www.fairdefense.org/wp-content/uploads/media/TFDP_Hogg_Report_Jan_2015-web.pdf