



Juvenile Justice in Mecklenburg County

National Juvenile Justice Awareness Month October (2019)

Raise the Age (RTA)

2019 RTA Modifications

On August 1, 2019, the North Carolina General Assembly (NCGA) ratified a bill to clarify some of the process questions that were not addressed in the 2017 legislation [1].

Key provisions:

- Authorizes a transfer-back provision for youth transferred to adult court when the prosecutor and defense attorney file a joint-motion
- Keeps most motor vehicle violations (e.g., speeding ticket) in juvenile court while more serious violations (e.g., possession of stolen vehicle) will be handled in adult court
- Excludes motor vehicle violations from the "once and adult, always an adult" provision
- Extends the timeframe between detention hearings from 10 days to 30 days for 16- and 17-year-olds charged with A-G felonies; unless defense counsel can demonstrate a need for more frequent hearings
- Clarifies gang assessments for children 12 years of age or older
- Extends the timeframe within which a probable cause hearing must be conducted from 15 days to 90 days
- Creates an expedited process through which a youth's record can be expunged

A Glimpse into the System



the date when raise the age
takes effect

6

the age when a child can be
formally charged in court

13

the age when a child can be
transferred to ADULT court

73%

of charges in North Carolina are misdemeanors [2]

Raise the Age Mini Budget

On October 14, 2019, in the midst of the state budget impasse, a mini budget allocating resources for Raise the Age implementation was ratified [3]. Yet funds to hire additional district attorneys, judges, and support staff for Mecklenburg County were not included. Furthermore, additional children's defense attorneys were not authorized in any county; instead, \$87,681 in recurring funds was appropriated to the Office of Indigent Defense to create a regional position to train and consult with local attorneys. Finally, the bill appropriated \$30,915,431 to the Dept. of Public Safety in FY2020 and \$43,538 in FY2021 to hire additional staff in information technology, transportation, human resources, facilities management, court services, prison staff, school counselors, and court counselors; increase the capacity of detention centers, and more robustly fund community-based interventions.

RTA myths: BUSTED

#1: Youth will NOT be held accountable RTA

- Youth charged with serious felonies (A-G) will have cases held in juvenile court briefly prior to being transferred to adult court
 - Youth will only remain in juvenile court if, upon review by the State, it is determined that the State cannot prove the serious felony charge. At that point, the State will charge the appropriate offense and potentially retain the youth in juvenile court.
- In the current system, 16- and 17-year-olds can be bailed out and released from jail. After implementation of RTA, youth who are detained will remain in detention until a judge reviews the severity of the charge, the possible risk to the community, and factors in the young persons' life, and
- The adult court system is centered on punishment while juvenile court is meant to focus on rehabilitation. Providing supportive services for youth reduces the likelihood of further engagement with the courts, thereby and public safety in both the short term and the long term.

#2: Violent youth crime will skyrocket

- In 2018, 72.6% of statewide youth complaints were misdemeanors and serious felony charges (A-G) were rare
- Youth charged with violent crimes will remain in adult court and there is no reason to believe outcomes for these youth will differ after December 1, 2019
- Youth charged in the juvenile system have lower rates of recidivism than their adult counterparts, which suggests future engagement in violent crime will decrease if more juveniles are afforded the opportunity to engage in services, that are appropriately matched to their needs, and are only provided in juvenile court

#3: 10- and 19-year-olds will be housed together I+I

- NC Dept. of Public Safety is increasing the number of detention and YDC beds
- Youth will be housed based on age and developmental functioning
- Federal law requires sight and sound barriers separating youth under the age of 18 from those 18 and older

Policy Opportunities

1. Enhance our local School-Justice Partnership

As part of Raise the Age legislation, the NCGA authorized and encouraged the establishment of School-Justice Partnerships (SJPs) to reduce school referrals to juvenile court. Since establishing its SJP in 2016, Mecklenburg County experienced steady decreases in the percentage of school-based complaints. SJPs are groups of community stakeholders (e.g., school administrators, law enforcement, court officials) aiming to develop and implement effective school discipline strategies. Mecklenburg's SJP could be enhanced and applied more consistently across the district by establishing locally-determined focus acts (e.g., infractions that will not be referred to law enforcement without progression through school-based sanctions) and a graduated response model (i.e., a continuum of services that increase in severity with continued engagement in misbehavior) to disciplinary infractions.

2. Raise the lower-bound age (6)

In 2019, a bill was introduced to create a study commission charged with examining the possibility of raising the lower bound age from 6- to 10-years-old [5]. Unfortunately, the bill died in committee. Advocates should ensure that it is reintroduced during the 2020 legislative session.

3. Create a uniform data system

Fund and create 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, services, efficiencies, and outcomes.

What does RTA do?

Legislation passed in 2017 [6]:

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 Class A through G 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.

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2017 Funding Allocated Solely for Youth Prisons

When passing Raise the Age legislation, the NCGA allocated \$13.2 million for a new Youth Development Center (YDC) and \$200,000 for a new fence at a current YDC [6]. These allocations prioritize punitive approaches to juvenile justice which is contrary to its intended rehabilitative function. Raising the age is an opportunity to reinvest in our kids - adequate return on that investment requires funding community-based interventions.

charge class examples

FELONIES

- A - 1st degree murder
- B - 2nd degree murder, 1st degree rape
- C - 1st degree kidnapping, 2nd degree sex offense
- D - voluntary manslaughter, attempted 2nd degree sexual assault
- E - habitual breaking and entering, conspiracy armed robbery
- F - possession with intent to distribute, pattern of gang activity
- G - selling cocaine, heroin, methamphetamine, and LSD
- H - stealing a firearm, retail theft
- I - financial card theft, sell marijuana

MISDEMEANORS

- 1 - simple assault, attempting to break into a vehicle
- 2 - disorderly conduct, possession of marijuana
- 3 - no hunting license, possession of marijuana paraphernalia

[1] North Carolina General Assembly. (2019). Raise the age modifications. Retrieved from <https://www.ncleg.gov/BillLookup/2019/S413>

[2] North Carolina Department of Public Safety data request

[3] North Carolina General Assembly. (2019). Raise the age funding. Retrieved from <https://www.ncleg.gov/BillLookup/2019/H1001>

[4] North Carolina Department of Public Safety. (nd). Raise the age - NC. Retrieved from <https://www.ncdps.gov/our-organization/juvenile-justice/key-initiatives/raise-age-nc#what-are-some-myths-about-raise-the-age?>

[5] North Carolina General Assembly. (2019). Study no delinquent/undisciplined under 10. Retrieved from <https://www.ncleg.gov/BillLookup/2019/H347>

[6] North Carolina General Assembly. (2017). Appropriations act of 2017. Retrieved from <https://www.ncleg.net/Sessions/2017/Bills/Senate/PDF/S257v9.pdf>

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