

YOUTH ACCOUNTABILITY PLANNING TASK FORCE



***FINAL REPORT TO THE GENERAL ASSEMBLY
OF NORTH CAROLINA
January 2011***

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YOUTH ACCOUNTABILITY PLANNING TASK FORCE



January 1, 2011

To the Members of the 2011 General Assembly:

Attached for your consideration is the final report of the Youth Accountability Planning Task Force established by S.L. 2009-451 as a Special Provision of Senate Bill 202. As directed in Section 18.9 (h), copies have been provided to the Joint Legislative Corrections, Crime Control, and Juvenile Justice Oversight Committee, to the Appropriations Subcommittees on Justice and Public Safety of both houses and the Governor.

Respectfully submitted,

Representative Alice Bordsen
Co-Chair

Senator Eleanor Kinnaird
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YOUTH ACCOUNTABILITY PLANNING TASK FORCE

INTRODUCTION

North Carolina is one of two states (with New York) that sets the maximum age of juvenile jurisdiction at age sixteen. Ten states set the maximum age of juvenile jurisdiction at age seventeen, and the remaining thirty-eight states and the District of Columbia set the maximum age of juvenile jurisdiction at age eighteen. North Carolina is also unique in its lack of legal avenues to move offenders from the adult system to the juvenile system.¹ This is in stark contrast to other states, which have a variety of mechanisms (e.g., reverse waiver, blended sentencing, and youthful offender status) to ensure that the right offenders go into the right system (either juvenile or adult).²

BACKGROUND

The age of juvenile jurisdiction in North Carolina was set in 1909, and has remained unchanged ever since. Though efforts have been made to join the overwhelming majority of states in raising the age of juvenile jurisdiction, none have been successful.³ (See Appendix for North Carolina Law Review article documenting this history). In addition to the majority of states setting their maximum age of juvenile jurisdiction at age eighteen, other evidence suggests that age eighteen is the appropriate age to distinguish between juvenile and adult court. International treaties confirm that many nations recognize eighteen as the proper age to delineate between juvenile and adult court.⁴ The American Bar Association Standards Relating to Juvenile Delinquency recommend eighteen as the upper limit of juvenile jurisdiction.⁵ Recently, the United States Supreme Court has decided in cases that cite age eighteen as the distinctive age in criminal behavior. In *Roper v. Simmons*, 2005, the Supreme Court affirmed the Missouri State Supreme Court's decision to prohibit the death penalty for juvenile offenders (juvenile offenders defined as being under the age of eighteen).⁶ In *Graham v. Florida*, 2010, the Court held that juvenile offenders (again, defined as offenders under age eighteen) cannot be given a life sentence without the possibility of parole in a non-homicidal crime.⁷ The state of Connecticut passed legislation to raise its age of juvenile jurisdiction in 2007 and will begin phasing sixteen-year-olds into the juvenile justice system in 2010 and seventeen-year-olds in 2012.

Federal regulations for juvenile delinquency, while not specifically addressing the age of juvenile jurisdiction, also highlight the uniqueness of North Carolina's juvenile age. The Federal Juvenile Justice and Delinquency Prevention Act (JJDP Act) provides for specific protections for juvenile offenders with regards to secure detention and overrepresentation of minority youth in

¹ Birkhead, Tamar. *North Carolina, Juvenile Court Jurisdiction, and the Resistance to Reform*, 86 N.C. L. REV 101 (2008).

² *Id.* at 103.

³ *Id.* at 102.

⁴ *Id.* at 104

⁵ *Id.*

⁶ *Roper v. Simmons*, 543. U.S. 541. (2005).

⁷ *Graham v. Florida*, __ U.S. __, 130 S. Ct. 2011 (July 6, 2010)

the juvenile justice system.⁸ The four protections in the JJDP Act include deinstitutionalization of status offenders (DSO), separation of juveniles from adults in institutions (Separation), removal of juveniles from adult jails and lockups (Jail Removal), and reduction of disproportionate minority contact with juvenile justice system (DMC).⁹ Currently, North Carolina is out of compliance with three out of four provisions of the JJDP act (DSO, Separation, and Jail Removal). Each year that North Carolina is out of compliance, the state loses federal funding that would have gone to support juvenile programming.¹⁰

These regulations intersect with North Carolina's age of juvenile jurisdiction when *status offenders* are detained. A status offender is defined by federal regulations as, "A juvenile offender who has been charged with or adjudicated for conduct which would not, under the law of the jurisdiction in which the offense was committed, be a crime if committed by an adult."¹¹ Therefore, when sixteen- and seventeen-year-old North Carolinians, charged with or convicted of underage alcohol offenses, are detained or jailed, this results in a violation of the JJDP Act.¹² The consequence of JJDP Act violation is reduced funding (each year of noncompliance reduces the award by 20%) coupled with the requirement that 50% of the awarded funds be used for coming back into compliance.¹³

In 2005, the North Carolina Sentencing and Policy Advisory Commission ("Sentencing Commission") was directed by Session Law 2006-248 (Sections 34.1 and 34.2) to study issues related to youthful offenders.¹⁴ The resulting report from the year-long study recommended to the 2007 North Carolina General Assembly that the age of juvenile jurisdiction be raised in North Carolina to age eighteen.¹⁵ The recommendation from the Sentencing Commission was primarily based on two factors:

- 1) An established body of research that demonstrated youth continue to undergo significant brain development into their twenties and lack the decision-making capabilities (and therefore, the same level of legal culpability) of adults. Most states recognize the slow maturation of juveniles by treating them in a separate system that allows for a balance of public safety and rehabilitation (i.e. the juvenile justice system).¹⁶
- 2) Programmatic and developmental needs of younger offenders can be better met in a system that focuses on rehabilitation. These youth will have a better chance at rejoining society if their behavior is addressed in an age-appropriate, treatment-

⁸ Lachance, Paul. *Legal Issues Relative to JJDP Act Compliance in North Carolina*. Presentation to the YAPTF Legal Issues Work Group. May 14, 2010.

⁹ *Id.*

¹⁰ *Id.*

¹¹ See *supra* at note 8 (citing 28 C.F.R. § 31.304(h) (2008)).

¹² *Id.*

¹³ *Id.*

¹⁴ Report on Study of Youthful Offenders, North Carolina Sentencing and Policy Advisory Commission, Report to the 2007 General Assembly, March 2007.

¹⁵ Report on Study of Youthful Offenders, North Carolina Sentencing and Policy Advisory Commission, Report to the 2007 General Assembly, March 2007.

¹⁶ Report on Study of Youthful Offenders, North Carolina Sentencing and Policy Advisory Commission, Report to the 2007 General Assembly, March 2007, at p. 8.

oriented environment that properly identifies risks and needs, which ultimately leads to increased public safety.¹⁷

Based on this recommendation, bills were filed in 2007 and 2009 in both the North Carolina House of Representatives and Senate to raise the age, but neither bill received a hearing in committee. The 2007 legislation was converted into a directive for the North Carolina Governor's Crime Commission to study the impact of raising the age in North Carolina. The Commission contracted with an outside organization in order to complete a cost-benefit analysis which was submitted to the General Assembly in 2009.¹⁸ The 2009 legislation was ultimately converted in the budget bill (Senate Bill 202) to create the Youth Accountability Planning Task Force ("Task Force") and build upon the recommendation and work of the Sentencing Commission.

The Task Force was appointed in October 2009 with membership representative of justice and public safety agencies, the Administrative Office of the Courts, the Department of Education, the Department of Health and Human Services, the North Carolina House of Representatives, the North Carolina Senate, the judiciary, law enforcement, court counselors, the Office of the Juvenile Defender, and the Youth Advocacy and Involvement Office (see Appendix for membership list). This composition of experts – which represented both state agencies as well as "front-line" experts – was intentionally selected to provide the broad perspective needed to fulfill the Task Force's mandate.

The main directive for the Task Force was to design an implementation plan by which North Carolina could expand the Department of Juvenile Justice and Delinquency Prevention to include sixteen- and seventeen-year-olds. Members were asked to consider a number of issues in designing the plan: costs to the state court system, costs to state and local law enforcement, motor vehicle laws, expunction laws, proposals to eliminate racial disparity in the juvenile justice process, community programs that emphasize rehabilitation for juveniles and follow best practices, costs to the Department of Juvenile Justice and Delinquency Prevention, other laws related to juvenile age such as school attendance laws, and transfer laws.¹⁹ Recommendations in those areas were to be submitted to the General Assembly in January 2011.

This report offers a summary of the meetings held and information gathered by the Task Force as well as brief descriptions of its recommendations to the General Assembly (see Appendix for supporting information and detailed recommendations).

The North Carolina Youth Accountability Task Force submits this report to the North Carolina General Assembly with recommendations for its consideration as it debates the expansion of the juvenile justice system to include sixteen- and seventeen-year-olds who commit misdemeanors and certain felony offenses.

¹⁷ *Id.*

¹⁸ A Study of the Impact of Expanding the Jurisdiction of the Department of Juvenile Justice and Delinquency Prevention. North Carolina Governor's Crime Commission. Report to the 2009 General Assembly, October 2009.

¹⁹ S.L. 2009-451 Section 18.9(f) 1-9

PROCESS AND GOALS

Based on those duties and considerations outlined in the mandate (see Appendix for authorizing legislation), the Task Force assumed the following goals as the foundation of its work:

Education

Keep youth in school as long as possible (or up to age 18) and reduce both short and long-term suspension.²⁰

Mental Health and Substance Abuse

Address youth problems closely related to delinquency including mental health and substance abuse.²¹

Inter-agency Cooperation

Commit all state agencies to cooperate with the Department of Juvenile Justice and Delinquency Prevention to provide services and support for both juvenile delinquents and at-risk youth.²²

Disproportionate Minority Contact

Reduce and eliminate disproportionate minority contact and representation at all phases of law enforcement and the juvenile justice system.²³

Balance Public Safety and Least Invasive Options

Use the least invasive option for every juvenile in the system unless deemed necessary in protecting the public. Confinement is reserved for the most serious and chronic offenders.

Match Needs with Empirically-Based Services

Provide a continuum of empirically-based services within the juvenile justice system that ensure the safety of the public and match the unique developmental needs of sixteen- and seventeen-year-olds.²⁴

Monitor and Evaluate Programs

Monitor, evaluate, and improve if warranted, the effectiveness of programs and services.²⁵

²⁰ S.L. 2009-451, Section 18.9.(f)(6) (implications of revising the definition of delinquent juvenile to include 16- and 17- year olds as it relates to other laws based on age, ***including laws requiring school attendance*** and drivers license laws).

²¹ S.L. 2009-451, Section 18.9.(f)(4) (proposals regarding community programs that would provide ***rehabilitative services to juveniles in a treatment-oriented environment*** and incorporate best practices as recommended in subdivision (3) of this subsection).

²² S.L. 2009-451, Section 18.9.(b) (cooperation from Government Agencies implied by Task Force membership)

²³ S.L. 2009-451, Section 18.9.(f)(3) (proposals to eliminate the racial disparity in complaints, commitments, community program availability, utilization and success rates, and other key decision and impact points in the juvenile justice system).

²⁴ S.L. 2009-451, Section 18.9.(f)(4) (proposals regarding community programs that would provide rehabilitative services to juveniles in a treatment-oriented environment ***and incorporate best practices*** as recommended in subdivision (3) of this subsection).

²⁵ See *supra* at note 21.

Additional Resources

Appropriate additional funding so that services, processing, and resources can be expanded and augmented to process sixteen- and seventeen-year-olds in the juvenile justice system. That state should provide incentives in partnering with local communities to support this change.²⁶

To efficiently fulfill the mandate, the Co-Chairs divided the Task Force Membership into work groups: Systems Costs, Legal Issues, and Programs and Benefits. These work groups focused on specific sets of issues and made recommendations for the full Task Force to consider. Each Task Force Member served on one of the three work groups. Co-Chairs were appointed for each work group. Each work group was enhanced by the recruitment of experts from across the state who participated as work group members. Facilitators also were recruited and assigned to work with members and co-chairs of each work group. (See Appendix for full list of work group membership). Work groups met monthly from October 2009 until December 2010, or until completing their recommendations (see Appendix for descriptions of work groups and duties).

In addition to the work groups, the Task Force engaged an outside organization to conduct a cost-benefit analysis to assess the economic impact of expanding the Department of Juvenile Justice and Delinquency Prevention to include sixteen- and seventeen-year-olds. The Vera Institute of Justice, a nationally-renowned, non-partisan research organization, was asked to conduct the analysis in consultation with the Systems Costs Work Group (see Appendix for final cost-benefit analysis report).

The Task Force met a total of eight times: October 21, 2009; December 10, 2009; February 11, 2010; April 22, 2010; June 11, 2010; August 27, 2010; October 15, 2010; November 19, 2010; and January 14, 2011. From October 2009 to June 2010, the Task Force gathered information from local and national experts that would inform decision-making and recommendations. From August 2010 to January 2011, the Task Force heard and acted on recommendations from each of the work groups. Below are summaries of the information presented at each Task Force meeting.

October 21, 2009

Janet Mason of the University of North Carolina School of Government offered a presentation on the historical perspective of juvenile justice in North Carolina. Ms. Mason outlined the major milestones in North Carolina in juvenile justice, including the establishment of juvenile court, the creation of training schools, the passage of the Juvenile Court Act, and revisions to the Juvenile Code since 1970. The Department of Correction (DOC) offered a departmental overview of the agency, including the population of offenders, the programs and services offered, and issues specific to offenders under eighteen. Information on the Western Institute for Youth was also provided.

²⁶ S.L. 2009-451, Section 18.9.(f)(1) (costs to the State court system and State and local law enforcement); S.L. 2009-451, Section 18.9.(f)(5) (total cost of expanding the jurisdiction of the Department of Juvenile Justice and Delinquency Prevention to include persons who are sixteen and seventeen years of age who commit crimes or infractions under State law or under an ordinance of local government).

The Department of Juvenile Justice and Delinquency Prevention (DJJDP) gave an overview of the juvenile justice system. Clinical and forensic psychologist Dr. Cindy Cottle presented information on brain development in youth, focusing on the changes affecting adolescents in decision-making and the impact of these changes on legal culpability and competencies. Members also heard from Susan Katzenelson, Executive Director of the North Carolina Sentencing and Policy Advisory Commission, who discussed the Sentencing Commission Study on Youthful Offenders, the most recent report to recommend to the General Assembly to raise the age of juvenile jurisdiction. The meeting concluded with a presentation from Connecticut State Representative Toni Walker, who provided a presentation on the Connecticut experience of raising the age of juvenile jurisdiction. Representative Walker was a major legislative advocate in Connecticut for raising the age of juvenile jurisdiction to age eighteen.

December 10, 2009

The Task Force formally created three work groups: Systems Costs, Legal Issues, and Programs and Benefits. John Madler of the North Carolina Sentencing and Policy Advisory Commission presented information on the processing of youthful offenders.

February 11, 2010

Dr. Charlotte Hughes and Dr. Ken Gattis of the Division of Program Monitoring and Student Support Services at the North Carolina Department of Public Instruction (DPI) offered a presentation on school suspensions and drop-outs in North Carolina, and the strong link between short and long-term suspensions (and drop outs) and delinquent behavior in youth that leads to entrance into the juvenile justice and adult criminal systems.

April 22, 2010

Flo Stein, Chief of the Community Policy Management Section of the Division of Mental Health, Developmental Disabilities, and Substance Abuse Services of the Department of Health and Human Services (DHHS) presented information on mental health and substance abuse in North Carolina, which dealt with current services, needs, and population served. Dr. Doreen Cavanaugh, Research Professor of the Health Policy Institute of the Georgetown University Public Policy Institute offered a presentation on mental health and substance abuse nationally, including funding structures and system models. The Task Force also heard information from Ginny Hevener, Associate Director for Research for the North Carolina Sentencing and Policy Advisory Commission, who provided statistical information on juveniles and youthful offenders in North Carolina.

June 11, 2010

Michael Harris, Deputy Director of the W. Haywood Burns Institute for Juvenile Justice Fairness and Equity, offered a presentation on effective strategies to reduce racial and ethnic disparity. Mr. Harris explained how incarceration is harmful to youth, how data is key to decision-making, and how local communities can play a key role in reform. He provided ideas for North Carolina to use to reduce racial disparity; among them, using data in order to determine where change would be possible. Bart Lubow, Director of the Annie E. Casey Foundation Juvenile Justice Strategy Group, outlined the Juvenile Detention Alternative Initiative. Mr. Lubow stressed research suggesting that detention leads to worse outcomes, and that after release, detained youth are far more likely to drop out of school and use drugs and alcohol. In light of this research, the

Annie E. Casey Foundation has been working through the Juvenile Detention Alternative Initiative (JDAI) in states and localities to safely reduce reliance on secure detention. He offered that JDAI could be brought to North Carolina. Jamal Carr, Youth and Family Services Administrator for the Department of Juvenile Justice and Delinquency Prevention, shared highlights of the initiatives in North Carolina to reduce disproportionate minority contact.

August 27, 2010

Janet Mason, Co-Facilitator of the Legal Issues Work Group offered a presentation of the legal recommendations from the work group (*see Appendix for detailed Legal Issues recommendations and rationale*). Task Force Members voted on each recommendation.

October 15, 2010

Sandy Pearce, Co-Facilitator of the Programs and Benefits Work Group, offered a presentation of the recommendations from the work group (*see Appendix for detailed Programs and Benefits recommendations and rationale*). Task Force Members voted on the package of recommendations.

November 19, 2010

Task Force Members voted on recommendations from three subcommittees, which had been appointed to resolve issues stemming from several recommendations discussed in previous meetings (*see Appendix for detailed Other recommendations and rationale*).

January 14, 2011

Christian Henrichson and Valerie Levshin of the Vera Institute of Justice Cost Benefit Analysis Unit presented the final cost-benefit analysis report. Members reviewed the final report of the Task Force.

SUMMARY OF WORK GROUP REPORTS AND RECOMMENDATIONS

The Task Force work groups submitted reports for the consideration of the full Youth Accountability Planning Task Force. From those reports, recommendations put forward from the Legal Issues work group were voted on and adopted, forming the basis of the legislation to raise the age of juvenile jurisdiction from sixteen to eighteen for offenders that commit misdemeanors and some felony offenses. Reports from the Programs and Benefits and Systems Costs work groups were also accepted. Descriptions of each work group's output, and specifically what was accepted by the Task Force, are offered below.

Legal

Raising the age of juvenile jurisdiction, primarily a legal change, required extensive legal considerations. The recommendations below form the basis of a legal framework for legislation to raise the age of juvenile jurisdiction to age eighteen, with certain limitations.

The major recommendation areas for the legislation include jurisdiction and detention (*see* Appendix for a full list of adopted legal recommendations and rationale as well the report from the Task Force Legal Issues work group).

Regarding *jurisdiction*, the Task Force recommends that

- All non-motor vehicle offenses committed by a sixteen or seventeen year-old person who does not have a prior criminal conviction should originate in juvenile court.
- All offenses under Chapter 20 of the General Statutes (“Motor Vehicles”) committed by a sixteen or seventeen year-old should be excluded from juvenile court jurisdiction
- A sixteen or seventeen year-old person who has previously been transferred to and convicted in Superior Court should be excluded from juvenile court jurisdiction and
- When a sixteen or seventeen year-old is alleged to have committed a Class B1 through Class E felony, the case should be transferred to Superior Court if the juvenile court finds -- or the individual stipulates to -- the existence of probable cause for a Class B1 through Class E felony. The juvenile court may retain jurisdiction only if the prosecutor files a motion alleging extraordinary circumstances and the juvenile court makes a finding thereof. For juveniles ages thirteen through fifteen, transfer for all felonies other than Class A felonies should remain discretionary with the court.

Regarding *detention* the Task Force recommends

- All persons under the jurisdiction of the juvenile court should be detained in a facility maintained by the Department of Juvenile Justice and Delinquency Prevention.
- Any sixteen or seventeen year-old transferred to Superior Court for allegedly committing a Class A through Class E felony should be held in a county jail while awaiting trial. In cases where placement in the county jail is not appropriate, the juvenile may be transferred to detention. If the jail is inappropriate or sixteen- and seventeen-year-old individuals are physically not able to take care of themselves, they may be transferred to detention for their safety. The Task Force recommends that the issue of pre-trial detention and appropriate facilities (juvenile or adult) for sixteen- and seventeen-year-old transfers be studied again for potential incremental phasing in of sixteen- and seventeen-year-olds into juvenile detention facilities.

Programs and Benefits

The legal changes to the juvenile code and the moving of a substantial number of sixteen- and seventeen-year-olds into the juvenile justice system required contemplation of the best programs and services to handle older youth. The Programs and Benefits work group was asked to consider proposals to eliminate the racial disparity in complaints, commitments, community program availability, utilization and success rates, and other key decision and impact points in the juvenile justice process. The work group was also asked to consider proposals regarding community programs that would provide rehabilitative services to juveniles in a treatment-oriented environment and incorporate best practices. The work group made a series of recommendations regarding the best ways to serve the new population based on the aforementioned considerations. Their report included recommendations for the Department of Juvenile Justice and Delinquency Prevention, court services, community services, detention, commitment and aftercare services, substance abuse services, therapeutic intervention services, and training (*see* Appendix for a full

list of recommendations and rationale as well as the report from the Programs and Benefits work group).

Regarding *disproportionate minority contact*, the Task Force recommends the General Assembly create a Legislative Study Commission to study reducing disproportionate minority contact (DMC) across all youth-serving agencies and, in consultation with other committees working to reduce DMC, recommend policies and practices that reduce the overrepresentation of minority youth. Student and family representatives should be members of this Study Commission. The Study Commission should review current State Board of Education policies and Department of Public Instruction strategies for their effectiveness in reducing school suspensions.

Overall, services and service providers must be expanded to accommodate the new influx of youth and resulting increased demand. More specifically, for *services*, the Task Force recommends all child-serving systems interface in the development and implementation of comprehensive treatment plans; system of care principles guide all youth serving agencies; and youth be provided a continuum of empirically-based services that ensure the safety of the public and match the unique developmental needs of sixteen- and seventeen-year-olds based on risk and needs assessments.

As a cost-saving measure and as a way to ensure better outcomes for youth while ensuring public safety, the use of detention should be reserved for the most serious cases. As much as possible, youth should be served within their communities. Regarding *detention*, the Task Force recommends the State provide for the successful reinvestment of funds from institutional settings (i.e. in lieu of youth development center commitments or detention admissions) to effective community-based services. The Task Force recommends the Department of Juvenile Justice and Delinquency Prevention formalize a partnership with the Annie E. Casey Foundation to study North Carolina's use of detention, and develop a plan for using Juvenile Detention Alternatives Initiative (JDAI) approaches to ensure more positive outcomes for youth involved in the juvenile justice system.

Systems Costs

The Task Force mandate iterated a list of resources for Members to identify related to the implementation of the legislation to raise the age of juvenile jurisdiction including the costs to the state court system, state and local law enforcement, and the total cost to expand the Department of Juvenile Justice and Delinquency Prevention to include sixteen- and seventeen-year-olds.²⁷ Costs comprise just one half of the overall resource consideration for the implementation plan; benefits are an equally important consideration.

Evidence points to the fact that young offenders, including those up to age eighteen, dealt with in age-appropriate, treatment-oriented environments have better outcomes and increased chances of successfully reintegrating into society. Reduced recidivism, as a result of those better outcomes obtained in rehabilitative environments, increases public safety. Future costs that would have been expended on young offenders moving into the adult criminal system are also reduced. Other benefits associated with keeping youth from continuing down a path of crime include (but are

²⁷ S.L. 2009-451 Section 18.9(f)1, 5

not limited to) better opportunities for employment, military service, education, and increased lifetime earnings. Some of these benefits can be measured and monetized as a taxpayer benefit (or savings). Some benefits cannot be measured and monetized, but are still important empirical considerations of any major legislative change.

In order to consider not only the direct costs to the state and localities, but also the benefits both short and long-term, the Task Force consulted with an outside, nationally-renowned, nonpartisan organization in order to conduct a cost-benefit analysis. The Vera Institute of Justice collaborated closely with the Systems Costs work group as well as state agencies and experts across the state in order to estimate the costs incurred and benefits realized from raising the age of juvenile jurisdiction in North Carolina (*see Appendix for the Vera Institute of Justice Cost Benefit Analysis as well as the report from the Systems Costs work group*). With the assistance of the Systems Costs work group, the Vera Institute Cost Benefit team gathered cost figures from the Department of Correction, Department of Juvenile Justice and Delinquency Prevention, Administrative Office of the Courts, law enforcement, and counties. Using recidivism data and projections for sixteen- and seventeen-year-old offenders from the Sentencing Commission, the Vera team began to estimate the impact of the legislative change. In close consultation and with input from the Systems Costs members, the team formulated assumptions that formed the basis of the cost and benefit figures and estimates.

The cost benefit analysis is distinctly different from a fiscal note as it includes the short and long term benefits of the legislative change, neither of which are calculated in a fiscal note. The Task Force submits the cost benefit analysis as a critical piece of this report.

For the complete list of recommendations, work group reports, the full cost-benefit analysis, and other supporting materials, please see the Appendix.

APPENDIX

Appendix A	Membership List
Appendix B	Legislative Mandate
Appendix C	Recommendations and Work Group Reports
Appendix D	Cost Benefit Analysis, Vera Institute of Justice
Appendix E	Work Group Membership Lists Legal Issues Programs and Benefits Systems Costs
Appendix F	North Carolina Sentencing and Policy Advisory Commission Report on Study of Youthful Offenders
Appendix G	North Carolina Law Review <i>North Carolina, Juvenile Court Jurisdiction, and the Resistance to Reform</i>

APPENDIX A:
Membership List

YOUTH ACCOUNTABILITY PLANNING TASK FORCE

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APPENDIX B:
Legislative Mandate

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009**

**SESSION LAW 2009-451
SENATE BILL 202**

ESTABLISH YOUTH ACCOUNTABILITY PLANNING TASK FORCE

SECTION 18.9.(a) Task Force Established. – There is established within the Department of Juvenile Justice and Delinquency Prevention the Youth Accountability Planning Task Force. The Department of Juvenile Justice and Delinquency Prevention shall provide professional and clerical staff and other services and supplies, including meeting space, as needed for the Task Force to carry out its duties in an effective manner.

SECTION 18.9.(b) Membership. – The Task Force shall consist of 21 members.

The following members or their designees shall serve as ex officio members:

- (1) The Secretary of the Department of Juvenile Justice and Delinquency Prevention.
- (2) The Director of the Administrative Office of the Courts.
- (3) The Secretary of the Department of Health and Human Services.
- (4) The Secretary of the Department of Correction.
- (5) The Secretary of the Department of Crime Control and Public Safety.
- (6) The Superintendent of Public Instruction.
- (7) The Secretary of the Department of Administration, or a designee having knowledge of programs and services for youth and young adults.
- (8) The Juvenile Defender in the Office of Indigent Defense.
- (9) One representative from the Governor's Crime Commission, appointed by the Governor.
- (10) One representative from the North Carolina Sentencing and Policy Advisory Commission, appointed by the Governor.

The remaining members shall be appointed as follows:

- (11) Three members of the House of Representatives appointed by the Speaker of the House of Representatives.
- (12) Three members of the Senate appointed by the President Pro Tempore of the Senate.
- (13) Two chief court counselors, appointed by the Governor, one to be from a rural county and one from an urban county.
- (14) One present or former chief district court judge or superior court judge appointed by the Chief Justice of the North Carolina Supreme Court.
- (15) One police chief appointed by the President Pro Tempore of the Senate.
- (16) One district attorney appointed by the Speaker of the House of Representatives.

Appointments to the Task Force shall be made no later than October 1, 2009. A vacancy in the Task Force or a vacancy as chair of the Task Force resulting from the resignation of a member or otherwise shall be filled in the same manner in which the original appointment was made.

SECTION 18.9.(c) Chair; Meetings. – The President Pro Tempore of the Senate and the Speaker of the House of Representatives shall each designate one member to serve as cochair of the Task Force. The cochairs shall call the initial meeting of the Task Force on or before November 1,

2009. The Task Force shall subsequently meet upon such notice and in such manner as its members determine. A majority of the members of the Task Force shall constitute a quorum.

SECTION 18.9.(d) The Office of the Governor shall provide staff to the Task Force at the request of the Task Force.

SECTION 18.9.(e) Cooperation by Government Agencies. – The Task Force may call upon any department, agency, institution, or officer of the State or any political subdivision thereof for facilities, data, or other assistance.

SECTION 18.9.(f) Duties of Task Force. – The Task Force shall determine whether the State should amend the laws concerning persons 16 and 17 years of age who commit crimes or infractions, including a determination of whether the Juvenile Code or the Criminal Procedure Act should be revised to provide appropriate sanctions, services, and treatment for those offenders and a study of expanding the jurisdiction of the Department of Juvenile Justice and Delinquency Prevention to include persons 16 and 17 years of age who commit crimes or infractions. As part of its study, the Task Force shall also develop an implementation plan that may be used if it is determined that it is appropriate to expand the jurisdiction of the Department of Juvenile Justice and Delinquency Prevention to include persons 16 and 17 years of age who commit crimes or infractions.

In particular, the Task Force shall consider all of the following:

- (1) The costs to the State court system and State and local law enforcement.
- (2) The relevant State laws that should be conformed or amended as a result of revising the definition of delinquent juvenile to include 16- and 17-year-old persons, including the motor vehicle and criminal laws, the laws regarding expunction of criminal records, and other juvenile laws. The Task Force shall make recommendations to the General Assembly regarding proposed legislative amendments.
- (3) Proposals to eliminate the racial disparity in complaints, commitments, community program availability, utilization and success rates, and other key decision and impact points in the juvenile justice process.
- (4) Proposals regarding community programs that would provide rehabilitative services to juveniles in a treatment-oriented environment and incorporate best practices as recommended in subdivision (3) of this subsection.
- (5) The total cost of expanding the jurisdiction of the Department of Juvenile Justice and Delinquency Prevention to include persons who are 16 and 17 years of age who commit crimes or infractions under State law or under an ordinance of local government.
- (6) The implications of revising the definition of delinquent juvenile to include 16- and 17-year-olds, as it relates to other laws based on age, including laws requiring school attendance and drivers license laws.
- (7) Whether standards should be established for determining when a juvenile should be transferred to superior court, including whether there should be presumptions that certain offenses should or should not result in a transfer to superior court.
- (8) Whether a sixteen- or seventeen-year-old who is alleged to have committed a felony motor vehicle offense should be considered a juvenile or an adult.
- (9) Any other related issues that the Task Force considers necessary.

SECTION 18.9.(g) Consultation. – The Task Force shall consult with appropriate State departments, agencies, and board representatives on issues related to juvenile justice administration.

SECTION 18.9.(h) Report. – The Task Force shall submit an interim report to the 2010 Regular Session of the 2009 General Assembly, with copies to the Joint Legislative Corrections, Crime Control, and Juvenile Justice Oversight Committee and to the Appropriations Subcommittees on Justice and Public Safety of both houses and shall submit a final report of its findings and recommendations, including legislative, administrative, and funding recommendations, by January 15, 2011, to the General Assembly, the Governor, and the citizens of the State. The Task Force shall terminate upon filing its final report.

SECTION 18.9.(i) Funding. – The Task Force may apply for, receive, and accept grants of non-State funds or other contributions as appropriate to assist in the performance of its duties. The Department of Juvenile Justice and Delinquency Prevention may also use funds appropriated to it to carry out the study and devise the implementation plan.

APPENDIX C:

Recommendations and Work Group Reports

RECOMMENDATIONS AND WORK GROUP REPORTS

*The following reports from the Legal Issues Work Group and the Programs and Benefits Work Group contain the recommendations put forward by the respective work groups. Recommendations **bolded, underlined, and highlighted**, were accepted by the Youth Accountability Planning Task Force. Recommendations that were not approved are notated with **. In cases where the language of a recommendation was first amended and then approved (but the substance of the recommendation remained unchanged), the new language appears **bolded, underlined, and highlighted**. The old, unapproved language appears beneath but is not notated with asterisks. The report from the Systems Costs Work Group follows the other two reports.*

YOUTH ACCOUNTABILITY PLANNING TASK FORCE LEGAL ISSUES WORKING GROUP PROPOSED FINAL RECOMMENDATIONS AUGUST 27, 2010

I. Mandate

Based on the Youth Accountability Planning Task Force's legislative mandate in Session Law 2009-451, Section 18.9.(f) (Duties of Task Force), the Legal Issues Working Group was asked to consider the following:

- (2) The relevant State laws that should be conformed or amended as a result of revising the definition of delinquent juvenile to include 16- and 17-year-old persons, including the motor vehicle and criminal laws, the laws regarding expunction of criminal records, and other juvenile laws. The Task Force shall make recommendations to the General Assembly regarding proposed legislative amendments.
- (6) The implications of revising the definition of delinquent juvenile to include 16- and 17- year-olds, as it relates to other laws based on age, including laws requiring school attendance and driver's license laws.
- (7) Whether standards should be established for determining when a juvenile should be transferred to superior court, including whether there should be presumptions that certain offenses should or should not result in a transfer to superior court.
- (8) Whether a 16- or 17-year-old who is alleged to have committed a felony motor vehicle offense should be considered a juvenile or an adult.

II. Meetings

The Legal Issues Working Group has held seven meetings so far: December 10, 2009, January 15, 2010, February 11, 2010, March 19, 2010, April 22, 2010, May 14, 2010, and June 18, 2010.

III. Process

The Legal Issues Working Group established two guidelines to guide it during the process. First, it would focus on issues created by adding 16- and 17-year-old persons to the juvenile system. Second, it would make as little change to the current laws as possible. The Working Group agreed that all current provisions of the Juvenile Code and other applicable laws would apply to 16- and 17-year-old persons except where changes are recommended. It understood that the proposed legislative recommendations would require amending the applicable forms published by the Administrative Office of the Courts as well.

IV. Recommendations

Jurisdiction

The Working Group makes the following recommendations regarding the jurisdiction of the juvenile court:

All non-motor vehicle offenses committed by a sixteen- or seventeen-year old person who does not have a prior criminal conviction should originate in juvenile court.

Commentary: The Working Group decided that, as a general principle, the cases of all 16- and 17-year-olds should begin in juvenile court. Current scientific research indicates that 16- and 17-year-olds have not developed mentally to the level of an adult and it may not be appropriate to hold them to the same standard. In addition, the mandate to the Task Force indicated that 16- and 17-year-olds were to be considered as a group moving into the juvenile system. The Working Group acknowledged that there may be particular offenses or offenders that should be excluded from the juvenile court's jurisdiction.

Minority Recommendation: A minority of the Working Group recommended that cases of 16- and 17-year-olds alleged to have committed Class A through E felonies originate in the adult system rather than being treated as juvenile cases.

All offenses under Chapter 20 of the General Statutes ("Motor Vehicles") committed by a sixteen- or seventeen-year-old person should be excluded from juvenile court jurisdiction.

Commentary: The Working Group stated that the more than 100,000 routine motor vehicle offenses committed each year by 16- and 17-year-olds should not be subject to the juvenile court process. Such a policy would place a tremendous burden on law enforcement, juvenile court counselors, prosecutors, and the court system. Placing motor vehicle offenses in the juvenile system would also create issues regarding the Division of Motor Vehicles' and insurance companies' access to confidential juvenile records. A driver's license confers upon the licensee a privilege and an adult level of responsibility to operate the vehicle in a safe and responsible manner. Because 16- and 17-year-olds may be licensed to drive, it is appropriate to confer adult consequences for violations of the state's motor vehicle laws.

The Working Group recognized that not all offenses in Chapter 20 pertain to operation of a motor vehicle, and that a small number of motor-vehicle offenses are codified elsewhere, including Chapters 18A and 136 of the General Statutes as well as local ordinances. Nevertheless, because the law must be administered in a consistent and uniform manner by many public officials across the state, the Working Group favored a rule that was simple and easily applied. *See also* Recommendation 9(c).

A sixteen- or seventeen-year-old person who has previously been transferred to and convicted in superior court should be excluded from juvenile court jurisdiction.

Commentary: Under G.S. 7B-1604(b), a juvenile who has been charged with a felony offense, transferred to criminal court, and convicted of a crime is thereafter subject to criminal prosecution for all future offenses. The Working Group stated that the same rule should apply to 16- and 17-year-old offenders.

A sixteen- or seventeen-year-old person who has previously been convicted of a felony under Chapter 20 of the General Statutes should be excluded from juvenile court jurisdiction. A sixteen- or seventeen-year-old who has been convicted of a misdemeanor under Chapter 20 should be subject to juvenile court jurisdiction for subsequent acts committed prior to the age of eighteen.

Commentary: The Working Group recognized that some juveniles will receive adult convictions without a transfer hearing, due to the exclusion of Chapter 20 offenses committed by 16- and 17-year-olds from the juvenile court's jurisdiction. Because these offenders are not covered by the juvenile transfer statute, it is not clear which court would have jurisdiction over subsequent offenses committed prior to the age of 18.

Because a Chapter 20 felony charge could have resulted in a juvenile's transfer to superior court, the Working Group decided that a person convicted of a Chapter 20 felony committed at age 16 or 17 should be treated as an adult for subsequent offenses. Because a juvenile cannot be transferred for a misdemeanor offense, the Working Group decided that a person convicted of a Chapter 20 misdemeanor committed at age 16 or 17 should return to juvenile court for subsequent offenses committed prior to age 18.

The maximum age of juvenile court jurisdiction over an offender who has been adjudicated delinquent should be as follows:

Age on date of offense	Adjudicated offense class	End of Jurisdiction
Under 16*	Any felony or misdemeanor	18 th birthday, unless committed for A-E felony
Under 16*	Class B1-E felony	19 th birthday, if committed for B1-E felony (other than first degree rape or sexual offense)
Under 16*	Class A-B1 felony	21 st birthday, if committed for first-degree murder, rape, or sexual offense
16	Class 1-3 misdemeanor	19 th birthday
17	Class 1-3 misdemeanor	20 th birthday
16 or 17	Any felony or Class A1 misdemeanor	21 st birthday

*Shaded areas reflect current law in G.S. 7B-1601, -1602.

Commentary: The Working Group recognized that the juvenile court would need the authority to retain jurisdiction over older juveniles beyond their 18th birthdays. In many cases involving a 16- or 17-year-old offender, extending the court's jurisdiction would be essential to the treatment and rehabilitation goals in the dispositional order. The Working Group agreed to preserve the current jurisdictional provisions for juveniles under the age of 16, but to add a tiered system for 16- and 17-year-olds. In cases involving a Class A1 misdemeanor or a felony committed at age 16 or 17 (*i.e.*, a serious or violent offense), the juvenile court could retain jurisdiction until the offender's 21st birthday. For a Class 1-3 misdemeanor committed at age 16 (*i.e.*, a minor offense), the court's jurisdiction would expire when the juvenile turned 19 years old. Likewise, for a Class 1-3 misdemeanor committed at age 17, jurisdiction would expire at age 20. The maximum age of jurisdiction over a 16- or 17-year-old juvenile thus would depend on the nature of the delinquent act, rather than on the fact of the juvenile's commitment, as under current law for juveniles under 16. The ages stated for the end of jurisdiction are maximum ages. As under current law for juveniles under age 16, the court in all cases would have discretion to terminate jurisdiction earlier.

In two instances, the juvenile court would retain jurisdiction beyond the 21st birthday of a person alleged to have committed an offense at 16 or 17 years of age: (1) when the court does not obtain jurisdiction before the person's 21st birthday, or (2) when delinquency proceedings cannot be concluded before the person's 21st birthday. Jurisdiction would be limited to conducting a probable cause hearing and, if probable cause was found for a felony, determining whether the case should be transferred to superior court or dismissed. This is consistent with current law.

Transfer

The Working Group recommends the following provisions for the transfer of 16- and 17-year-old persons from juvenile court to adult court:

When a sixteen- or seventeen-year-old person is alleged to have committed a Class A felony, the case should be transferred to superior court upon the juvenile court's finding (or the person's stipulation to) probable cause.

Commentary: The Working Group agreed that 16- and 17-year-olds should be subject to the existing mandatory transfer law applicable to all juveniles 13 years of age or older who are alleged to have committed a Class A felony.

When a sixteen or seventeen year-old is alleged to have committed a Class B1 through Class E felony, the case should be transferred to Superior Court if the juvenile court finds -- or the individual stipulates to -- the existence of probable cause for a Class B1 through Class E felony. The juvenile court may retain jurisdiction only if the prosecutor files a motion alleging extraordinary circumstances and the juvenile court makes a finding thereof. For juveniles ages thirteen through fifteen, transfer for all felonies other than Class A felonies should remain discretionary with the court.

Commentary: The Working Group stated that Class B1 through E felony offenses are generally violent offenses. Considering the age of the offenders and the seriousness of the offenses, the adult court may be better suited to ultimately dispose of these cases. However, the Working Group acknowledged that there may be exceptional cases where transfer is inappropriate. For that reason, the Working Group recommends a “relief valve” that would allow the juvenile court to override the presumptive transfer and retain jurisdiction over the case, if the prosecutor files a motion alleging, and the court finds, extraordinary circumstances.

Minority Recommendation: A minority of the Working Group recommended that the juvenile court have authority to retain a case in juvenile court by making findings of extraordinary circumstances, with or without a motion by either party.

When a sixteen- or seventeen-year-old person is alleged to have committed a Class F through I felony, the case should be subject to transfer as currently provided in Article 22 of the Juvenile Code.

Commentary: Except for Class A felonies, current law provides for the discretionary transfer of a juvenile who is accused of committing a felony at age 13 or older. A transfer hearing is held after the finding of probable cause, and the juvenile court decides whether to transfer the case based on consideration of multiple statutory factors. The Working Group concluded that this discretionary transfer mechanism is equally appropriate for a 16- or 17-year-old who is alleged to have committed a Class F-I felony.

Cases involving misdemeanors allegedly committed by sixteen- or seventeen-year-old persons should be subject to transfer only in connection with the transfer of a related felony.

Commentary: The Working Group concluded that the current law precluding misdemeanor transfer except when the misdemeanor is related to a felony that is being transferred is equally applicable to older juveniles.

Effective Date

The increase in the juvenile age should apply prospectively only, except that (a) offenders under eighteen years of age who have an adult felony conviction under the former law for an act committed at age sixteen or seventeen should be excluded from the juvenile court's jurisdiction, and (b) offenders under eighteen years of age who have an adult misdemeanor conviction under the former law for an act committed at age sixteen or seventeen should be included in the juvenile court's jurisdiction, and the prior misdemeanor conviction under the former law should be treated as a prior adjudication of delinquency.

Commentary: After the juvenile age is increased to 18, many persons will be left with adult convictions under the former law for crimes committed when they were 16 or 17 years of age. The Working Group acknowledged the many adverse consequences of a criminal record that can follow a person throughout life. However, after considering several possible methods to expunge these convictions or to convert them into juvenile adjudications, the Working Group determined that it would not be possible to provide retroactive relief in a manner that is both fair to all offenders and easy to administer. Therefore, the Working Group decided to follow the rule used for a new crime and make the age change apply only to offenses committed on or after the law's effective date.

The Working Group also recognized that there will initially be a group of 16- and 17-year-olds who will have adult convictions for crimes committed at age 16 or 17 prior to the age change. If these offenders are accused of committing a new offense at age 16 or 17, it is not clear which court would have jurisdiction. The Working Group decided to follow the spirit of the current transfer law and allow a person with a prior misdemeanor conviction to enter juvenile court but keep a person with a prior felony conviction in adult court.

Petition

Allow a juvenile petition to be amended to change the nature of the charge, provided the court agrees and the juvenile is provided the right to a continuance for a minimum of five days in order to respond to the amended charge.

Commentary: Current law allows a juvenile petition to be amended only if the amendment does not change the nature of the offense alleged. The Working Group recognized that important information may come to light during the course of the proceedings which was not known at the

time the petition was filed. Allowing the nature of the charge to be changed in appropriate cases would provide greater flexibility in addressing the needs of the juvenile and the public.

Delinquency History Points

For sixteen- and seventeen-year-olds who have prior adult misdemeanor convictions under Chapter 20, delinquency history points be assigned only for impaired driving, impaired driving in a commercial vehicle, and misdemeanor death by vehicle offenses.

Commentary: Under current law, all prior misdemeanor and felony adjudications under Chapter 20 are included in a juvenile's Delinquency History Level. The Working Group decided that motor vehicle offenses committed by juveniles under 16 are generally more serious than similar offenses committed by 16- and 17-year-olds, because younger offenders are not entitled to drive or do not have full driving privileges. The Working Group also acknowledged the potential difficulty in sharing misdemeanor conviction records between the juvenile and adult courts.

Therefore, only the most serious adult misdemeanor convictions under Chapter 20 will be reported to the juvenile court. The Working Group based this recommendation on the provision for assigning felony prior record level points to Chapter 20 misdemeanor convictions under G.S. 15A-1340.14(a)(4).

Dispositional Alternatives

The following changes to the dispositional alternatives currently available under the Juvenile Code, as follows:

G.S. 7B-2506. Dispositional alternatives for delinquent juveniles.

a. Limit subsection (1) (care, supervision, placement) to juveniles under the age of 18.
b. Limit subsection (2) (compulsory school attendance) to juveniles under the age of 16.
c. Remove the 12-month time limit in subsection (3) (cooperate with a treatment program).

****d. Delete subsections (12) and (20) (intermittent or periodic confinement).**

Commentary: The amendments to subsections (1) and (2) will conform the current statute to the increase in the juvenile age. The amendment to subsection (3) allows for treatment needs and programs that endure beyond the 12-month period prescribed under current law. The deletion of subsections (12) and (20) reflect the Department of Juvenile Justice and Delinquency Prevention's belief that intermittent or periodic confinement is inappropriate as a dispositional alternative. In addition to the high cost of detaining a juvenile for a brief period, research suggests that "quick dip" detention is at best ineffective, and may in fact be counter-productive.

Deleting this dispositional option also would lessen somewhat the impact of adding 16- and 17-year-olds to the population of youth who need to be detained in limited space approved for juvenile detention.

***Not approved by Task Force*

G.S. 7B-2510. Conditions of probation; violation of probation.

- a. Expand the reporting requirement in subpart (a)(11) to forbid the juvenile to move without notifying the court counselor, or to leave North Carolina without prior permission of the court counselor.**
- b. Delete the final sentence in subsection (b), in order to expand the court's authority to give the court counselor discretion to impose intensive supervision and electronic monitoring as authorized in subparts (b)(4) and (5).**
- **c. Delete the final sentence in subsection (e), which authorizes the court to order, as part of a new disposition, confinement in a secure juvenile detention facility for up to twice the term authorized by G.S. 7B-2508.**

Commentary: The amendments to subsections (a) and (b) will enhance the court counselor's capacity to supervise and control a juvenile in the community. This additional authority will address the greater mobility of 16- and 17-year-old juveniles, compared to their younger counterparts. The deletion in subsection (e) reflects the recommendation to remove intermittent or periodic detention as a dispositional option in 7B-2506 (*see above*).

***Not approved by Task Force*

G.S. 7B-1903. Criteria for secure or nonsecure custody.

- a. Provide in subsection (c) that a post-adjudication order of secure custody pending either disposition or placement shall require (1) judicial findings, by clear and convincing evidence, that restraints on the juvenile's liberty are necessary and that no less intrusive alternative will suffice, and (2) periodic review hearings as prescribed by G.S. 7B-1906.**
- b. Expand the court's authority to order secure custody for a juvenile who is alleged to have violated the conditions of probation or post-release supervision under subsection (d), by including instances in which "the juvenile is alleged to have committed acts that damage property, injure persons, or demonstrate that the juvenile is a danger to himself or others."**

Commentary: A juvenile who has been adjudicated delinquent should not be held in secure custody while awaiting a disposition or placement without any limitations. The Working Group suggested that there should be findings by the court that such detention is necessary and periodic review hearings to establish the continuing need for such confinement.

In light of the recommendation to remove intermittent detention as a dispositional option under G.S. 7B-2506, the Working Group deemed it appropriate to amend G.S. 7B-1903(d) to provide the juvenile court with additional discretion to place a juvenile in secure custody in response to an alleged violation of probation or post-release supervision, insofar as the juvenile's conduct has not resulted in actual injury but evinces a potential for harm to the juvenile or other persons. This standard is similar to the requirement for an involuntary commitment under Chapter 122C of the General Statutes.

Detention

All persons under the jurisdiction of the juvenile court be detained in a facility maintained by the Department of Juvenile Justice and Delinquency Prevention.

Commentary: Despite concerns about the mixing of older and younger juveniles in detention facilities, the Working Group recognized that these facilities currently house older juveniles, including some who are over 18. The Department of Juvenile Justice has experience in managing detainees of various age groups within the same facility.

Any sixteen or seventeen year-old transferred to Superior Court for allegedly committing a Class A through Class E felony should be held in a county jail while awaiting trial. In cases where placement in the county jail is not appropriate, the juvenile may be transferred to detention. If the jail is inappropriate or sixteen- and seventeen-year-old individuals are physically not able to take care of themselves, they may be transferred to detention for their safety. The Task Force recommends that the issue of pre-trial detention and appropriate facilities (juvenile or adult) for sixteen- and seventeen-year-old transfers be studied again for potential incremental phasing in of sixteen- and seventeen-year-olds into juvenile detention facilities.

****The Working Group recommends that any juvenile who has been transferred to superior court shall be moved from a juvenile detention facility into an adult facility at the age of 18. The detention facility staff shall be responsible for notifying the sheriff of the appropriate county; and the sheriff shall be responsible for transporting the juvenile from the detention facility to the jail.**

Commentary: Because a transferred juvenile is no longer under juvenile court jurisdiction, the Working Group concluded that a transferee who has not been released on bond and has reached the age of majority should be housed in an adult facility with other adult defendants.

****Not approved by Task Force**

Transportation

The Department of Juvenile Justice and Delinquency Prevention be required to provide or arrange for the transportation of any person under the jurisdiction of the juvenile court to and from any state or local juvenile facility as required by the Juvenile Code or orders of the court, and that the Department should be funded to meet the requirement.

Commentary: Currently, the Juvenile Code does not explicitly assign responsibility for the transportation of persons subject to the juvenile court's jurisdiction. In some districts the Department of Juvenile Justice and Delinquency Prevention provides transportation while in other districts local law enforcement performs the function. The Working Group decided that the statutes should clearly state who is responsible for making the arrangements. This would allow the Department to provide transportation in some circumstances and to develop agreements with local law enforcement where appropriate.

Other Statutory Changes

Conforming change to G.S. 14-316.1, Contributing to the delinquency of a minor, so that the offense applies to “[a]ny person who is at least 16 18 years of age[.]”

Commentary: The Working Group agreed that the offense in G.S. 14-316.1 should apply only to adult offenders.

Conforming changes to G.S. 15A-505, Notification of parent and school, as the General Assembly deems appropriate.

Commentary: Section 15A-505 requires law enforcement to notify a minor’s parent when the minor is charged with a criminal offense (other than most motor vehicle offenses). When 16- and 17-year-olds are in the juvenile system, this requirement would apply only to minors with adult felony convictions, since they are the only minors who would be charged as adults. The statute also requires law enforcement, when a “person” is charged with a non-traffic offense, to notify the principal of any school the person attends. The Working Group decided that the General Assembly would have to study the law further after the age change had taken place.

The offense of receiving or transferring stolen vehicles in G.S. 20-106 be re-codified in Chapter 14, Article 6 (Larceny) of the General Statutes.

Commentary: The Working Group stated that the crime of receiving a stolen vehicle is not materially different from receiving other types of stolen goods and should be treated accordingly. In order to preserve the bright-line exclusion for all Chapter 20 offenses, the Working Group recommends moving the offense in G.S. 20-106 into Chapter 14 of the General Statutes, and grouping it with similar property crimes. *See also* 1(b), above.

Other Issues

****In light of the proposed elimination of intermittent confinement as a dispositional alternative under G.S. 7B-2506, the Legal Issues Working Group requests that the other working groups recommend additional resources to (1) increase the funding for day reporting centers, (2) expand system capacity for electronic house arrest, and (3) provide therapy to all juveniles held in detention facilities.**

****Recommendation to eliminate intermittent confinement as a dispositional alternative was not approved by Task Force.**

The Youth Accountability Planning Task Force recommends the following three options to address the use of intermittent confinement as a dispositional option:

1) Leave the current law as it is currently written.

2) Place some restrictions on the ordering of intermittent confinement. The court would have to make written findings that detention is the most appropriate

means for holding the juvenile accountable. The days and times of confinement would have to be either specifically ordered by the court, or the court would suspend the time of detention subject to conditions agreed to by the juvenile. Procedures would be set into place to afford the juvenile an opportunity to contest the activation of the suspended days (see “detention draft option 2”).

- 3) Eliminate the “intermittent” aspect of detention days and require that the court make written findings that detention is necessary for holding the juvenile accountable. This option would remove the ability to “suspend imposition of a more severe sanction” and require that the court make written findings that detention is necessary for holding the juvenile accountable (see “detention draft option 3”)

The Youth Accountability Planning Task Force recommends the following, with regards to juvenile detention:

The use of juvenile detention centers, having been identified as one of the most complex and problematic aspects of the juvenile justice process in North Carolina, both in cost and procedure should be studied in more detail. The Task Force recommends a work group consisting of a District Attorney or assistant district attorney with experience prosecuting in delinquency court, a Judge with significant experience presiding in delinquency court, the Juvenile Defender [or a representative from the juvenile defense community], a representative from the Department of Juvenile Justice and Delinquency Prevention, a representative from the Administrative Office of the Courts, and a representative the UNC School of Government, study the issue of detention further and make recommendations on cost-containment, best practices for its use as both a public safety and accountability message, its intersection with juveniles transferred to adult court or facing transfer, and potential alternatives to detention and report to the North Carolina General Assembly May 2, 2011.

YOUTH ACCOUNTABILITY PLANNING TASK FORCE
PROGRAMS AND BENEFITS WORK GROUP
PROPOSED FINAL RECOMMENDATIONS
OCTOBER 15, 2010

I. Mandate

Based on the Youth Accountability Planning Task Force's legislative mandate in Session Law 2009-451, Section 18.9.(f) Duties of the Task Force, the Programs and Benefits Work Group was asked to consider the following:

- (3) Proposals to eliminate the racial disparity in complaints, commitments, community program availability, utilization and success rates, and other key decision and impact points in the juvenile justice process.
- (4) Proposals regarding community programs that would provide rehabilitative services to juveniles in a treatment-oriented environment and incorporate best practices as recommended in subdivision (3) of this subsection.

II. Meetings and Process

The Programs and Benefits Work Group met eight times between December 2009 and September 2010. At the December 10, 2009 meeting, the Work Group drafted a Work Plan and heard a presentation from Buddy Howell on the "State of the Art: What Works with Juvenile Offenders" regarding evidence-based programs which reduce juvenile recidivism. At the January 21, 2010 meeting facilitators presented an "Approach to Recommending Programs and Identifying Benefits" which included definitions of evidence-based practices, best practices, promising practices, and emerging practices. Karen Calhoun presented data on the NC Sentencing and Policy Advisory Commission's "Study of Recidivism of 16 and 17 Year Olds" and Ann-Marie Iselin provided information on recidivism rates of juvenile and adult offenders in other states. In addition, Billy Lassiter, with the Department of Juvenile Justice and Delinquency Prevention (DJJDP) provided an overview of departmental functions and activities. At the February 11, 2010, March 12, 2010, April 22, 2010, and May 6, 2010 meetings, Teresa Price, Mike Rieder, Kathy Dudley, and Martin Pharr with DJJDP presented information on community programs, court services, detention facilities, and youth development centers in DJJDP, and members discussed and adopted recommendations related to adding 16 and 17 year olds into the juvenile justice system. At the May 6 meeting, Gail Cornier, Alex Fonvielle, Paul Savery, Mark O'Donnell, and Susan Richardson presented information on the Division of Mental Health, Developmental Disabilities, and Substance Abuse Services (DMH/DD/SAS) including the System of Care, treatment services for youth, evidence-based practices within the Division, and the Reclaiming Futures model. Sonya Brown identified recommendations for the DMH/DD/SAS if 16 and 17 year olds are added to the juvenile justice system. At the July 19, 2010 meeting, members continued to discuss and approve recommendations related to the DJJDP. At the September 20, 2010 meeting, members discussed and approved recommendations related to the DMH/DD/SAS and heard presentations from Steve Moody with the Department of Correction's Western Youth Institution and Cindy Bennett with the

Department of Public Instruction. During their deliberations, members adopted 32 recommendations, which are outlined in this report. Each recommendation is supported by a rationale adopted by the Work Group which includes relevant data and research when available.

General Recommendations

The General Assembly should create a legislative study commission to study reducing disproportionate minority contact (DMC) across all youth-serving agencies, in consultation with other committees working to reduce DMC and to recommend policies and practices that reduce the overrepresentation of minority youth. Student and family representatives should be members of this study commission. The study commission should review current State Board of Education policies and Department of Public Instruction strategies for their effectiveness in reducing school suspensions.

Rationale: North Carolina ranks fourth among all states in the number of youth suspended from school annually (149,780 students in 2006) and third nationally in its rate (almost 11% of all NC students each year). Black males are disproportionately suspended. This is the beginning of the “school to prison pipeline” which is this: Suspension from school often means that students are removed from adult supervision and exposed more frequently to delinquent peers, which in turn, can increase delinquency, court involvement, detention, and long-term incarceration. In 2009, school authorities made 41% of all court referrals statewide, totaling 16,557 (North Carolina DJJDP, 2010). Other options should be exercised (particularly in-school and in-home corrective supervision and services such as tutoring and mentoring) in lieu of suspension and court referral. A legislative study commission will be able to look into the aforementioned issues closely, and recommend policy changes where needed.

System of care principles should guide the practices of all youth-serving agencies.

Rationale: All youth serving agencies should have blended or braided funding or share resources to meet the needs of youth entering the system. There should be consistent gathering of information where youth are assessed that facilitates communication across agencies where appropriate. All youth-serving agencies should have regular collaborative meetings. A collaborative effort should be established between the Department of Juvenile Justice and Delinquency Prevention, Department of Public Instruction, local school systems, and Juvenile Crime Prevention Council programs including the development and implementation of vocational and job skills training.

In a system of care, mental health, substance abuse, education, child welfare, juvenile justice, and other agencies work together to ensure that children with mental, emotional, substance abuse and behavioral problems and their families have access to the services and supports they need to succeed. These services and supports may include diagnostic and evaluation services, outpatient treatment, emergency services (24 hours a day, 7 days a week), case management, intensive home-based services, day treatment, respite care, therapeutic foster care, and services that will help young people make the transition to adult systems of care.

Systems of care are developed on the premise that the mental health and substance abuse needs of children, adolescents, and their families can be met within their home, school, and community environments. These systems are also developed around the principles of being child-centered, family-driven, strength-based, and culturally competent and involving interagency collaboration. The goal of systems of care programs is to build innovative community treatment programs for children with serious emotional disturbances and/or substance abuse problems and their families. (Child, Adolescent and Family Branch, Center for Mental Health Services, Substance Abuse and Mental Health Services Administration, U.S. Department of Health)

Department of Juvenile Justice and Delinquency Prevention Recommendations

General

Youth should be provided a continuum of empirically-based services that ensure the safety of the public and match the unique developmental needs of sixteen- and seventeen-year-olds based on risk and needs assessments.

Rationale: Only 2-3% of offenders that DJJDP currently serves are charged with A-E felonies, and less than 1% has both chronic and violent offense histories. But the number of these offender types will increase with the addition of 16-17 year-olds to perhaps 4%-6% of the total offenders each year. Therefore, DJJDP will want to achieve greater efficiencies in its handling of serious violent and chronic juvenile offenders by better targeting them for more structured services and intensive supervision. A validated risk and needs assessment, like the tool that is used by the DJJDP, has become a widely accepted way of determining the level of risk for offenders, as well as their specific needs. These assessments can be used to ensure that the more expensive resources (e.g. YDC, detention centers, residential facilities) are reserved for the higher risk youth and that programming is selected that accurately targets the individual needs of the juvenile.

The Department of Juvenile Justice and Delinquency Prevention will need to adjust and increase empirically-based practices to address the new target population such as: specialized treatment (trauma, sex offender, substance abuse, parenting skills, vocational education and job readiness/coaching, preparation for adult independent living, and gender responsive programming). The Department will collaborate with other relevant agencies to develop vocational education and job readiness/coaching opportunities for youth in the community and youth development centers (e.g. community colleges, DPI, workforce investment agencies) with the goal of developing formal agreements with measurable outcomes (integration of services and sharing of clients).

Rationale: The Department understands that court services, youth development centers, detention, and community programs staff and providers will need to learn new skills to work with this new target population. Based on empirically-based analyses there is an array of practices the Department should adopt and implement for long-term use.¹

¹ Barnoski, Robert. 2009. *Providing Evidence-Based Programs With Fidelity in Washington State Juvenile Courts: Cost Analysis*. Olympia, WA: Washington State Institute for Public Policy.

The State should provide for successful reinvestment of funds from institutional settings (e.g. in lieu of youth development center commitments or detention admissions) to effective community based services.

Rationale: A number of states are shifting funding from juvenile confinement facilities (back-end of system) to community-based programs (front-end of system) by providing different types of financial incentives to counties that reduce their number of commitments. Also, in some states, a reduced number of commitments has resulted in the closing or downsizing of confinement facilities which, in turn, has created a cost savings that can be redirected into community programming.

The Department of Juvenile Justice and Delinquency Prevention will need to retrain and introduce new training (e.g. adolescent development training, case management training to coordinate services, and risk management training) to increase staff competencies to properly prepare for working with older juveniles.

Rationale: The Department staff will need to learn new skills to work with this new target population. Some of the characteristics that the older youth will have include longer histories of child maltreatment, longer term involvement with risky behavior, more mobility because many can drive, more severe and longer trajectories of antisocial behaviors, more complicated mental health/substance abuse/developmental learning disorder patterns, etc. These factors will have to be managed with effective practices and enhanced behavior management competencies. The Department's staff will need improved skills in a wide array of community-based and institutional settings associated with the management, education and treatment of older youths; and a greater array of program referral options must be available to help youth connect to pro-social social relationships and opportunities.

The Department of Juvenile Justice and Delinquency Prevention should, whenever practical, implement Restorative Justice Practices at all levels of the juvenile system, including intake, court and custody.

Rationale: Chapter 7B, the Juvenile Code, sets out its purposes in Subchapter II, Article 15. Among those purposes are the following:

- To deter delinquency and crime, including patterns of repeat offending;
- To emphasize the juvenile offender's accountability for the juvenile's actions.
- To refer juveniles to community-based resources where court intervention is not necessary.

Restorative Justice (RJ) is a theory of justice which emphasizes focusing on the harm done to victims of crime instead of punishment of the offender. To emphasize the harm done to victims, RJ programs seek to bring together offenders and the victims of their crimes. Two examples of such programs are the Juvenile Justice Project (JJP) at Campbell University's Law School and Bridges To Life in Texas.

The JJP is a mediation program that receives referrals from juvenile intake counselors, juvenile prosecutors and juvenile judges. Once a referral is received the program schedules an appointment with the juvenile offender and their parent or guardian. This meeting is conducted in a private and confidential setting. The juvenile learns that in most cases, they can admit their wrongdoing without fear of punishment. The program meets next with the victim of the crime to give them a chance to learn about the program and to talk about how they have been affected by the crime. If both parties agree and if the mediator believes a face to face meeting can be held in a safe and productive way, the two parties meet in a facilitated and private setting. The offender hears directly from the victim how the crime has affected them. The parties work together to craft an agreement which will repair the harm done. This RJ program helps the department meet its purposes through very low recidivism (5%), allowing the offender to hold themselves accountable instead of the court having to do it for them and operating as a community based program so that court intervention is not needed.

Bridges To Life is a prison based program which brings victims of crime into the prison to speak in small, facilitated groups with inmates. The program lasts fourteen weeks and brings offenders face to face, not with their own victims, but with victims who have experienced similar harm. The program allows offenders to understand how their crimes have harmed others. Bridges To Life adapted its adult program for use in several youth facilities last year. It was also piloted in youth facilities in Tennessee. There has not been adequate time to compile meaningful data on re-offense in the youth program, but the adult program boasts a recidivism rate of 17.6%. The Bridges To Life program can be easily adapted for use in N.C. youth development centers.

Community

Juvenile Crime Prevention Councils will need to nearly double their program capacity to serve juveniles and provide program enhancements and additions such as but not limited to: functional vocational programs (not just education, but also on-the-job training and coaching, incentive programs for savings and equipment purchasing, etc.), sex offender treatment, substance abuse and co-occurring disorder treatment, parenting skills for the target population, community-based education, structured day programs, transitional/re-entry services, gang prevention/intervention, residential placements, and 4H (Head, Heart, Hands, Health) programs. The designated membership of Juvenile Crime Prevention Councils should be expanded to include a post-secondary education representative.

Rationale: The Department of Juvenile Justice and Delinquency Prevention's estimates show there will be a need to serve as many as 21,000 additional youth through community-based juvenile Crime Prevention Council programming if 16 and 17 year olds are added to the system. This older population will need more services to address their growing criminogenic and mental health/substance abuse needs, their educational deficiencies, and to better prepare them for adult living.

In order to provide alternatives to detention and youth development center commitment in the community, the Juvenile Crime Prevention Councils (JCPC) will need additional resources to meet the needs of the new population, including but not

limited to shelter care, JCPC funded group homes, multipurpose juvenile homes, wilderness camps, transitional housing and day reporting centers/structured day programs (including probation revocation centers or options in combination with court services sanctions) with appropriate services. In addition, the Department will need further tools to create alternatives to detention including but not limited to: detention screening tools, global positioning systems (GPS) monitoring, and residential placement options.

Rationale: To provide a continuum of alternatives to detention and commitment the JCPC programs will need to have appropriate numbers and types of community level residential placements. These program structures are less expensive than long-term stays in detention or commitment to Department youth development centers. Alternatives to detention have been shown to be substantially more effective at deterring juvenile recidivism and are far less expensive. Utilizing an objective risk assessment detention screening tool is one best practice recommended by the Annie E. Casey Foundation.² To make available an array of detention alternatives, use of the following is necessary:

“A continuum of detention alternatives generally includes three basic program models for youth held in secure detention prior to a disposition hearing: (1) home or community detention (non-residential, non-facility-based supervision), (2) day or evening reporting centers (non-residential, facility-based supervision), and (3) shelter or foster care (non-secure residential placement). Within each model can be a range of degrees or levels of supervision.”³

The Department of Juvenile Justice and Delinquency Prevention will need adequate staff (field and central support office) to serve as consultants and monitors for the Juvenile Crime Prevention Council (JCPC) programs.

Recommendation #10: The Department of Juvenile Justice and Delinquency Prevention will need a minimum of 20 additional staff (field and central support office) to serve as consultants and monitors for the Juvenile Crime Prevention Council (JCPC) programs.

Rationale: Recognizing the need for a near doubling of JCPC programming to serve the additional 16 and 17 year old population will require more Department staff to ensure adherence to program goals and objectives and to ensure compliance with Department policy and state law. Currently, there are 580 JCPC programs operating across the state with 14 staff positions devoted to technical assistance and monitoring.

Separate younger teens from older youth in all institutional, residential and community programs.

Rationale: The federal Juvenile Justice and Delinquency Prevention (JJDP) Act of 1974 requires sight and sound separation between juveniles and adults in custody. This federal law guides sound juvenile justice practice that should be applied in North Carolina. The Department

² Demuro, Paul. 2000. *Pathways to Juvenile Detention Reform, Consider the Alternatives: Planning and Implementing Detention Alternatives*. Baltimore, MD: Annie E. Casey Foundation. (page 31)

³ Ibid.(page 15)

recognizes the need for low risk, younger juveniles to be separated from older, higher risk youth based on developmental needs and level of risk.

Juvenile Crime Prevention Council programs will need expanded resources to provide empirically-based practices and programming such as mentoring, teen court, after school programming, strategic family therapies, multi-systemic interventions, therapeutic crisis interventions and residential alternatives, and vocational skills development.

Rationale: Examples of high quality, empirically-based supported programming that will need expansion include:

Mentoring - A large portion of youth in North Carolina is lacking positive adult relationships. Mentoring is one of the OJJDP model program types for prevention of delinquency.⁴ “Research indicates that, when well implemented, mentoring can be a useful strategy in working with at risk youth and those who experience multiple risk factors for delinquency, school failure, and other negative outcomes.”⁵

Teen Court - “The principal goal of a teen court is to hold young offenders accountable for their behavior by imposing sanctions that will repair some of the harm imposed on the victim and community.”⁶ Teen courts, including those in North Carolina, have shown positive results regarding low recidivism rates of youth served in these programs.⁷

After School/Vocational Education Programming - The OJJDP Model Programs Guide suggests use of afterschool programming as an intermediate sanction for youth.⁸ In addition, vocational education options are required to improve the skills of youth who do not plan on going to college, but will need to join the workforce. Vocational education will serve as a prevention and intervention mechanism to produce better long-term outcomes for youth involved in delinquency.

Brief Strategic Family-Based Interventions - There is substantial evidence on the effectiveness of properly delivered family-based interventions (e.g., Multi-systemic Therapy, Functional Family Therapy, Therapeutic Foster/Crisis care, Strengthening Families). While many of these programs are deliverable through the mental health system in NC, JCPC programs have also historically provided similar services due to the gaps in the mental health continuum in local communities. Effective counseling programs are a cornerstone of many court-ordered terms of probation and will continue to be relied upon by judges to help redirect troubled youth.

The Department of Juvenile Justice and Delinquency Prevention will need expanded capacity with regard to community-based and facility-based gang programming.

⁴ OJJDP Model Programs Guide. Accessed on April 19, 2010. <http://www2.dsgonline.com/mpg/Default.aspx>

⁵ Office of Juvenile Justice and Delinquency Prevention. 2009. *OJJDP Annual Report 2008*. Rockville, MD: U.S. Department of Justice, Office of Juvenile Justice and Delinquency Prevention. NCJ 225036 (page 9)

⁶ OJJDP Model Programs Guide, Accessed on April 19, 2010.

⁷ Butts, Jeffrey, and Janeen Buck. 2000. *Teen Courts: A Focus on Research*. Washington, D.C.: U.S. Department of Justice, Office of Justice Programs, Office of Juvenile Justice and Delinquency Prevention.

⁸ OJJDP Model Programs Guide, Accessed on April 19, 2010.

Rationale: The federal Office of Juvenile Justice and Delinquency Prevention (OJJDP) recognizes that some localities are experiencing a growing gang problem. To best address the problem in these areas evidence-based prevention, intervention, and suppression strategies are required (see the OJJDP Comprehensive Gang Model). Currently there are approximately 60 counties in NC working on assessing their gang problems. After the assessments are completed they will join the approximate 10 counties, that are, as a result of earlier funding, providing interventions for youth becoming members or associates of gangs. The NC Governor's Crime Commission recently released a report identifying the counties with high levels of gang activity.⁹ This information supplements the need for gang programming to continue and be enhanced.

Detention

The Department of Juvenile Justice and Delinquency Prevention will need to have adequate capacity and staffing in the juvenile detention system (direct care, educators, LMHCs, medical, and support) to accommodate sixteen- and seventeen-year-olds in order to ensure that detention beds are available locally. The Department should utilize existing land and facilities to decrease capital costs wherever possible.

Recommendation #14: The Department of Juvenile Justice and Delinquency Prevention will need to increase the capacity of the juvenile detention system by approximately 13, 64-bed facilities, staffed by 1,144 staff members (direct care, educators, LMHCs, medical, and support) to accommodate 16 and 17 year olds in order to ensure that detention beds are available locally. The Department should utilize existing land and facilities to decrease capital costs wherever possible.

Rationale: This estimate includes all youth who could be served by detention centers including: delinquent before disposition, pre-adjudication, dispositional options, and cases transferred to superior court. These numbers could be dramatically altered by the final language of any bill transferring youth from the adult into the juvenile system. For example, a large percentage of these beds would have to be used to house juvenile transfers to adult court who are awaiting trial. The need for bed capacity could also be greatly reduced through the establishment of more alternatives to detention.

The Department of Juvenile Justice and Delinquency Prevention (DJJDP) should formalize a partnership with the Annie E. Casey Foundation (AECF) to study NC's use of detention, and develop a plan for using Juvenile Detention Alternatives Initiative (JDAI) approaches to ensure more positive outcomes for youth involved in the DJJDP system.

⁹ NC Governor's Crime Commission. March 2010. *Gangs in North Carolina: The 2010 Report to the General Assembly*. <http://www.nccrimecontrol.org/Index2.cfm?a=000003,000011,000644>

Rationale: Even though the national and state rates of juvenile detention have been declining, more than 4,300 NC youth were detained in residential placements in 2009 (6,604 admissions). Racial/ethnic minorities are heavily over-represented in this population.

The goal of the JDAI is to demonstrate that jurisdictions can effectively reduce reliance on secure detention while ensuring public safety. Since its inception in 1992, JDAI has minimized re-arrest and failure to appear rates pending adjudication and ensured appropriate conditions of confinement in secure facilities. JDAI has resulted in reductions in detention populations in 100 jurisdictions across 27 states and the District of Colombia.

Key objectives of the JDAI include:

- A focus on detention as the entry point for juvenile justice reform
- Reducing inappropriate and unnecessary confinement
- Use of objective admissions criteria and instruments
- Case processing reforms
- Reducing racial disparities

Examples of strategies implemented by JDAI sites include creation of culturally sensitive risk assessments, access to alternatives such as electronic or geographic information system (GIS) monitoring, crisis intervention, short term shelter care, home detention and day reporting.

Given the raise in the age of juvenile court jurisdiction, implementing the nationally recognized JDAI model would create cost-effective alternatives to secure detention to accommodate the influx of 16 and 17year olds. In fact, some JDAI sites across the country have eliminated the need for new construction and more detention staff. With the inevitable costs to the state and localities regarding secure detention for 16 and 17year olds, it is imperative that resources adequately support system's change. In this regard, commitments to shift any savings achieved through detention facility reductions to other DJJDP programs and services (and not revert savings) should be ensured; and, fiscal and programmatic commitments to assist the Department in growing the network of community-based alternatives must also coincide with this initiative.

Study the potential for local courthouses and juvenile detention centers to use video conferencing.

Recommendation #16: Increase the capacity of local courthouses and juvenile detention centers to use video conferencing to conduct hearings.

Rationale: Video conferencing could greatly decrease the cost of transporting juveniles for hearings and increase safety. This practice is already in use in juvenile detention centers for intake processes in Virginia and New Jersey; as a link for court counseling offices across the state in South Carolina; in long-term secure custody facilities in Nevada; and Georgia has implemented the technology for court proceedings.

Court Services

The Department of Juvenile Justice and Delinquency Prevention will need sufficient Court Services staff members (court counselors, court counselor supervisors, support, and Interstate Compact on Juveniles) to handle the new target population. These positions will need office space, computers, and vehicles.

Recommendation #17: The Department of Juvenile Justice and Delinquency Prevention will need approximately 534 Court Services staff members (court counselors, court counselor supervisors, support, and Interstate Compact on Juveniles) to handle the new target population. These positions will need office space, computers, and vehicles.

Rationale: Based on the Sentencing and Policy Advisory Commission's projections, the number of youth in court services will practically double.¹⁰ In order for the Department to maintain juvenile to court counselor caseloads of 30:1, this will require additional, well-trained staff to supervise youth according to juvenile justice standards.

In the Department of Juvenile Justice and Delinquency Prevention, there will be a need to increase risk management strategies to keep court service staff safe. Risk management is a term used to not only determine the level of risk a youth poses to public safety, but also the risk of the youth to hurt themselves. Risk management also refers to the level of risk that court staff face in holding youth accountable to court-imposed conditions outside of institutional settings.

Rationale: Court services staff do not carry weapons, stun equipment, etc. --- their tools are verbal and they rely heavily on surveillance, family cooperation, and collaboration with local law enforcement when dangers arise (court services staff are trained in self-defense and carry mechanical restraints). Older youth present substantially higher risks for self-harm, peer-to-peer harm, as well as potential physical dangers to community-based court staff. Significant attention and training funding will be needed to increase the competencies of court staff toward properly assessing the three levels of risk noted (self, peer-to-peer, and toward others including staff).

Review of complaint drafting/complaint receipt processes to possibly include magistrates.

Rationale: The predicted doubling of the juvenile population under juvenile justice jurisdiction may lead to the need for 24-hour court counselor availability to receive complaints during 3rd shift hours. With this mode of operation the availability of trained juvenile justice magistrates may also become necessary for each court counseling district.

Work with the Department of Juvenile Justice and Delinquency Prevention to identify and fully fund a process for ensuring that each judicial district has the capacity to provide psychological evaluation and assessment services, at both pre-adjudication and post-adjudication stages of youth involvement. Psychological assessments and/or evaluations provided for these purposes should conform to the highest standards of professional and clinical practice. Further, the evaluation

¹⁰ DJJDP Fiscal Note, prepared May 27-28, 2009.

purpose must be independent of future any treatment recommendations or considerations, and the evaluation provider(s) shall not be the same as any provider of subsequent clinical and/or case management or case support services.

**Recommendation #20: Fund a psychological assessment process in the Department of Juvenile Justice and Delinquency Prevention as a component of the overall pre-adjudication needs assessment in every juvenile judicial district.

Rationale: Judges and district attorneys rely on court services staff members to properly assess risks, strengths, needs and the potential for violations when considering court sanctions. Best practices include the capability for each district to have at their disposal competent, accessible psychological evaluation services to inform judicial decisions. The current situation across NC is that several court districts rely on JCPC-funded psychological services, or their local mental health providers, to assist them. There are substantial gaps in the availability of competent psychological services providers. To properly evaluate risks, needs, strengths and the potential for court compliance, each district should have access to Department funded court psychologists that can respond to the needs of the court for evaluation and planning services.

***Not approved by the Task Force.*

Court services in the Department of Juvenile Justice and Delinquency Prevention will need to increase resources to fully implement services with the new target population.

Recommendation #21: Court services in the Department of Juvenile Justice and Delinquency Prevention will need to increase resources to fully implement the following services with the new target population - a near doubling of resources for drug screening, and a substantial increase in resources for electronic monitoring (including going to GPS).

Rationale: Both electronic monitoring and drug screening are services often required as a condition of a juvenile's probation. In order for these services to be available for the new target population, additional resources will need to be made available.

There will be an increased need for sufficiently trained judges and juvenile court personnel.

Recommendation #22: There will be an increased need for certified juvenile court judges.

Rationale: Juvenile law is a specialized field and needs judges who are familiar with the system to ensure the most efficient and effective delivery of justice. Juvenile cases are by their nature more time consuming and hence will need additional judges to oversee the new target population's cases. The most important person in the juvenile and family court is the judge because the unique role of the judge combines judicial, administrative, collaborative, and advocacy components (Edwards, 2005). In addition, the role of the juvenile court judge includes

- Ensuring that the systems which detect, investigate, resolve, and bring cases to court are working efficiently and fairly and that adequate resources exist to respond to the caseloads;
- Providing active leadership within the community in determining the needs and obtaining and developing resources and services for at-risk children and families; and
- Recognizing that juvenile and family court judges' decisions also set standards within the community and in the systems connected to the court.

Edwards, L. P. (2005). The role of the juvenile court judge revisited. *Juvenile and Family Court Journal*, 56, 33-44.

Commitment and Aftercare Services

The Department of Juvenile Justice and Delinquency Prevention will need to have adequate capacity in the youth development center system and sufficient staff (educators, direct care, Licensed Mental Health Clinicians, medical and support) to accommodate sixteen- and seventeen-year-olds.

Recommendation #23: The Department of Juvenile Justice and Delinquency Prevention will need to increase the capacity of the youth development center system by approximately 5, 96-bed facilities (480 beds) staffed by 1,075 employees (educators, direct care, Licensed Mental Health Clinicians, medical and support) to supervise the 480 additional beds needed to accommodate 16 and 17 year olds.

Rationale: Based on the early projections and assuming current practices remain the same the Department would expect a near doubling of capacity. Maintaining sufficient staff to youth ratios is essential to continue to provide the necessary specialized programming and security levels needed for all youth in youth development centers. These facilities would be designed to provide the ability to separate youth based on their specific needs and level of risk as well as their ages and developmental capacities. A transition plan will be mandatory to facilitate this capacity expansion.

The Juvenile Crime Prevention Councils will need more resources to provide age appropriate transitional services for youth leaving youth development centers including but not limited to housing, access to health care, mental health care, structured activities, vocational training and education, independent living skills, reentry/case management services, and employment opportunities.¹¹

Rationale: Currently these services do not exist within DJJDP and will be needed for older youth leaving these facilities. The National Council on Crime and Delinquency recommends inclusion of the following strategies for youth leaving a long-term secure custody facility. These mechanisms are discussed in terms of OJJDP's Intensive Aftercare Program (IAP).¹²

¹¹ Torbet, Patricia. 2008. *Building Pennsylvania's Comprehensive Aftercare Model, Probation Case Management Essentials for Youth in Placement*. Pittsburgh, PA: National Center for Juvenile Justice.

¹² Wiebush, Richard, et. al. 2005. *Implementation and Outcome Evaluation of the Intensive Aftercare Program, Final Report*. Rockville, MD: National Council on Crime and Delinquency.

- “Maximizing parental involvement in programming for their children and in services for their own problems.
- Paying concentrated attention to the difficulties of extracting youth from their involvement with negative and delinquent peers.
- Redoubling efforts and/or pursuing new strategies for more fully reintegrating youth into educational pursuits or the labor market.
- Developing community treatment resources capable of delivering high-quality interventions of demonstrated effectiveness.
- Placing a greater emphasis on the development of community support networks.
- Considering use of the intervention with a target group that is somewhat less problematic than the high-risk parolees (sic) involved in these demonstration sites. One very minor alteration in selection criteria would be to exclude youth who have had a prior commitment. IAP should be the first experience a youth has in transitioning from the institution to the community, not the second or third.”

Ideally, incarcerated juvenile offenders would be stepped down to court-based services following a brief period of confinement. The State of Washington’s Family Integrated Transitions (FIT) program is an excellent example. The program focuses on offenders with co-occurring substance abuse and mental health disorders. Offenders with both of these conditions are known to pose a high risk for committing new crimes upon reentry to the community. The FIT program uses a combination of evidence-based approaches tailored to the particular needs of these high-risk youth. It is an intensive treatment program that begins in the juvenile institution and continues for 4 to 6 months in the community. Researchers (Washington State Institute for Public Policy, 2004) found that FIT reduced reconvictions for a new felony by 14%.

Washington State Institute for Public Policy. (2004). Washington State's Family Integrated Transitions Program for Juvenile Offenders: Outcome Evaluation and Benefit-Cost Analysis. Olympia, WA: Washington State Institute for Public Policy.

Central Support Office

The Department of Juvenile Justice and Delinquency Prevention would need adequate resources for administrative services. These staff should be phased in over the five-year implementation period.

Recommendation #25: The Department of Juvenile Justice and Delinquency Prevention would need additional resources for administrative services including 144 additional staff (budget, fiscal, information technology, policy, controller, facility services, etc.). These staff should be phased in over the 5 year implementation period.

Rationale: With the increase in the juvenile population, services rendered by the Central Support Office staff will need to expand. Purchasing, managing the budget, repairs and renovations to facilities, technology and every other facet of operations will need more staff to maintain the integrity of the system. Since the Department has never been fully funded from its inception for its core operating infrastructure, its ability to provide expanded infrastructure for Central Office Operations is limited when considering the current juvenile system.

Division of Mental Health, Developmental Disabilities and Substance Abuse Services (DMH/DD/SAS) Recommendations

General

All child-serving systems should interface in development and implementation of comprehensive treatment plans.

Rationale: Child and Family Teams are created on behalf of any child with serious and complex behavioral, academic, social, and/or safety challenges, and their family. The Child and Family Team is responsible for the development, implementation and monitoring of a unified Child and Family Plan that engages and involves the family and achieves close coordination of needed services and supports.

The Child and Family Team is composed of family members, significant people in the lives of the child and/or family and representatives of the community's human service and education agencies that can provide needed services to an identified child and family. It is the expectation that each member of the child and family team be notified, in advance, of child and family team meetings and all members should be active participants in each child and family team meeting.

The Child and Family Team works to develop a detailed and highly individualized service/support plan with specific, achievable, strengths-based strategies to address unmet needs and achieve goals. This plan guides service delivery and coordinates the work of the various participants using a wraparound approach. This is a focus on what a child and/or family needs to succeed. The Child and Family Team:

- is built around the family so that each family's special needs are met;
- works to ensure that services/supports are accessible to families and that they are offered at convenient times and locations;
- checks to make sure services/supports are working and suggests changes when it is not working; and
- evaluates the results of services/supports delivered to ensure they succeeded in meeting goals/outcomes identified by the family and Child and Family Team.

Face-to-face Child and Family Team training is available in most communities at low or no-cost. No cost on-line training will be available (if a certificate for continuing education unit is not required) in October 2010. Direct care agencies should incorporate Child and Family Team training into their staff training plans.

Additional System of Care Coordinators are needed to address the needs of older youth, including Youth Development Center and Detention Center transitions.

Rationale: The Division of Mental Health, Developmental Disabilities and Substance Abuse Services will need resources to increase the number of System of Care Coordinators to serve the new target population of 16 and 17 year olds in the System of Care model and to ensure that Care Coordinators participate in face to face child and family team meetings.

Agencies should conduct more and better screenings to identify mental health and substance abuse issues earlier.

Rationale: Screening should occur as soon as possible after a youth's referral to the juvenile justice system. The purpose of an initial screening is to identify youth with potential substance abuse [and/or mental health] problems for which a more detailed assessment would be appropriate. (Reclaiming Futures, Robert Wood Johnson Foundation)

Therapeutic Interventions and Other Services

The Division of Mental Health, Developmental Disabilities, and Substance Abuse Services should promote comprehensive, developmentally appropriate clinical assessments, develop additional local treatment capacity and ensure timely access to identified services.

Rationale: Whenever an initial screening suggests that a youth may have possible substance abuse and/or mental health problems, that youth should be fully assessed using a reputable tool that measures the degree to which the youth is being negatively affected. Comprehensive assessments should measure a wide range of individual and family risk factors, service needs, as well as the youth's strengths and assets. While the primary purpose of an initial assessment is to measure the severity of alcohol and other drugs and/or mental health problems, a second and equally important purpose of an assessment is to shape an informed service plan. (Reclaiming Futures, Robert Wood Johnson Foundation)

Trauma-informed therapeutic interventions are being integrated into the service array as a foundation for practice with youth and families. The Division of Mental Health, Developmental Disabilities and Substance Abuse Services should pursue technical assistance and training from the National Center for Trauma-Informed Care to serve as a foundation to their practices with youth and families involved in their systems.

Rationale: Estimates of the prevalence of post-traumatic stress disorder among youth in the juvenile justice population vary widely, and these variations are attributable to the lack of standardized instruments used across studies and differences in study methodologies. Despite these variations, evidence suggests that many youth involved with the juvenile justice system have experienced traumatic events and suffer from post-traumatic stress disorder.

Selected studies conducted among youth involved in the juvenile justice system have found that:

- the incidence of post-traumatic stress disorder among youth in the juvenile justice system is similar to youth in the mental health and substance abuse systems, but up to eight times higher than comparably aged youth in the general, community population;
- among non-incarcerated youth seen in juvenile court clinics, one in nine met criteria for post-traumatic stress disorder;
- the prevalence of post-traumatic stress disorder is higher among incarcerated female delinquents (49%) than among incarcerated male delinquents (32%), and higher than youths in the community (<10%).

(Trauma Among Youth in the Juvenile Justice System: Critical Issues and New Directions. National Center for Mental Health and Juvenile Justice)

The Division of Mental Health, Developmental Disabilities and Substance Abuse Services should engage in a focused movement towards evidence-based, best and promising practices as necessary to achieve positive outcomes for youth in the systems, including monitoring outcomes and fidelity of the practices.

Rationale: “Human services are [often] high variable, ineffective, and sometimes harmful to consumers” (Institute of Medicine, President’s New Freedom Commission). The purpose of evidence-based practice is to:

- translate research into practice;
- increase the effectiveness of treatment;
- provide a framework for collecting data about treatment;
- ensure accountability to funding sources; and
- encourage some consistency in practice.

Fidelity is critical to the effectiveness of evidence based practices. In order to achieve good outcomes for consumers, both effective intervention and implementation practices are necessary. The Division of Mental Health, Developmental Disabilities and Substance Abuse Services is committed to implementing evidence-based, best and promising practices, and supports monitoring for fidelity.

Training

The Division of Mental Health, Developmental Disabilities, and Substance Abuse Services should promote training to expand the availability of family partners who can advocate for and support families in navigating services, systems and transitions between communities and institutions.

Rationale: Families’ needs should drive the recovery process; education and support for them and their children on wellness and recovery management is an important tool. The guiding principles of family-driven care include:

- assurances that families and youth are given accurate, understandable, and complete information necessary to set goals and make choices for improved individualized care;
- Educated families are able to collectively use their knowledge and skills as a force for systems transformation;
- Families, youth, providers and administrators should embrace the concept of sharing decision-making and responsibility for outcomes;
- Families and family-run organizations engage in peer support activities to reduce isolation, gather and disseminate accurate information and strengthen the family voice.
- When parents are paired with Family Partners providing peer support to help them navigate the service system, the child has better outcomes and shorter treatment periods than families who struggle with navigating the service system alone.

Duchnowski, A. J., and Kutash, K., (2007). *Family-driven care*. Tampa, FL: University of South Florida, The Louis de la Parte Florida Mental Health Institute, Department of Child and Family Studies.

Federation of Families for Children's Mental Health. (2009). *Family Driven Defined*.

<http://ffcmh.org/family-driven/>

YOUTH ACCOUNTABILITY PLANNING TASK FORCE SYSTEMS COSTS WORK GROUP

MANDATE

The YAPTF Systems Costs Work Group was tasked with determining the costs to the State court system, State and local law enforcement, the Department of Juvenile Justice and Delinquency Prevention, and any other agencies affected by revising the definition of delinquent juvenile to include 16- and 17-year-old persons who commit crimes or infractions. The work group examined the following topics (S.L. 2009-451 Section 18.9 (f) subsections 1, 5):

- Law enforcement (state and local)
- Courts
- DJJDP
- DOC
- Local Government
- Other relevant issues

PROCESS

The Systems Costs Work Group agreed to the following approach: capture the population of 16- and 17-year olds that would be moved into the Department of Juvenile Justice and Delinquency Prevention into a dataset to allow for projecting costs of different scenarios; identify cost elements from each agency affected by the change in juvenile jurisdiction; identify victim and offender costs connected to the crimes associated with the population; and consult with other work groups on specific programmatic and legal recommendations that would impact cost; consult with an outside organization to conduct a cost benefit analysis with collected data.

The Systems Costs work group met ten times on December 10, 2009; February 11, 2010, March 18, 2010; April 22, 2010; May 21, 2010; July 16, 2010; September 27, 2010; October 21, 2010; November 19, 2010 and December 17, 2010. The Systems Costs work group gathered cost figures from the Department of Correction, Department of Juvenile Justice and Delinquency Prevention, Administrative Office of the Courts, law enforcement, and counties. The Sentencing Commission provided the group data on youthful offenders including recidivism rates and projections for sixteen- and seventeen-year-olds moved into the DJJDP.

COST BENEFIT ANALYSIS

Identifying costs related to implementing legislation to raise the age of juvenile jurisdiction in North Carolina was only part of the task undertaken by the Systems Costs work group. Members discussed the benefits to such a change that would not be reflected in a fiscal note. Youth that received better outcomes in a rehabilitative, age-appropriate, and treatment-oriented environment would have more life opportunities. These benefits for North Carolina would be realized both in the short and long term in reduced recidivism, youth productivity, and reduced costs for future criminal activity (curbed through treatment in the juvenile system).

In order to capture both the benefits and the costs, the Systems Costs work group consulted with the Vera Institute of Justice to conduct a cost benefit analysis. The cost benefit analysis differs from a fiscal note in its ability to project benefits. The cost benefit analysis projects taxpayer, offender, and victim benefits, demonstrating what costs will be offset by benefits realized by implementing the legislative change. Work group members helped create the assumptions for the cost benefit model and the Vera team consulted with the group during every stage of the process.

The subsequent cost benefit analysis represents the collaboration between the Systems Costs work group and the Vera Institute of Justice Cost Benefit team, both in cost figures, assumptions, and identified benefits.

APPENDIX D:

**Cost-Benefit Analysis
Vera Institute of Justice**



Cost-Benefit Analysis of Raising the Age of Juvenile Jurisdiction in North Carolina

Christian Henrichson
Valerie Levshin

Vera Institute of Justice
January 10, 2011

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Additional copies can be obtained from the communications department of the Vera Institute of Justice, 233 Broadway, 12th floor, New York, New York, 10279, (212) 334-1300.

Requests for additional information about the research described in this report should be directed to Christian Henrichson at the above address or to chenrichson@vera.org.

Executive Summary

In fall 2009, the North Carolina General Assembly created the Youth Accountability Planning Task Force (YAPTF) to examine whether the state should raise the age of juvenile jurisdiction from 16 to 18. In July 2010, the System Costs Work Group of YAPTF asked the Vera Institute of Justice to conduct a cost-benefit analysis of this policy change. Specifically, Vera assessed the economic impact of implementing a plan to transfer 16- and 17-year-olds who commit misdemeanor and low-level, non-violent felony offenses to the juvenile system, while keeping 16- and 17-year-olds who commit serious violent felonies in the adult criminal justice system.

Between July and December 2010, Vera staff worked closely with the System Costs Work Group, the North Carolina Sentencing and Policy Advisory Commission, and the state's justice and public safety agencies to develop a methodology and gather the necessary information for the cost-benefit analysis. The study incorporates data and reflects processes that are specific to North Carolina, while also drawing upon national research and best practices in juvenile justice.

This report presents the results of the cost-benefit analysis, highlights of which are summarized below:

- Raising the age of juvenile jurisdiction from 16 to 18 for alleged misdemeanants and low-level felons will generate \$52.3 million in net benefits, per annual cohort of youth aged 16 and 17, from the combined perspectives of taxpayers, victims, and youth. The “annual cohort of youth aged 16 and 17” is the total number of 16- and 17-year-old youth who are arrested during a 12-month period.
- From the taxpayer or government perspective, the policy change will generate an annual net cost of \$49.2 million. The net cost equals a cost of \$70.9 million to North Carolina's justice agencies minus \$21.7 million in benefits to the criminal justice system.
- From the victim perspective, raising the age will generate \$3.6 million in benefits, per annual cohort of youth aged 16 and 17. Youth whose cases will be handled in the juvenile system will reoffend at lower rates than if they were processed in the adult system, thus reducing victimizations and victimization costs.
- From the youth perspective, the policy change will generate \$97.9 million in long-term benefits, per annual cohort of youth aged 16 and 17. These benefits accrue over a period of 35 years and result from increased lifetime earnings, based upon the fact that youth tried in the juvenile rather than the adult system will be free of the burden of a criminal record that suppresses earning potential.

These findings rest on several assumptions that are described fully in the report. A few key assumptions are highlighted below:

- Recidivism rates among 16- and 17-year-olds handled by the juvenile justice system will be 10 percent lower than the recidivism rates of 16- and 17-year-olds currently handled by the criminal justice system.

- Capital costs are excluded from the cost-benefit analysis and examined separately.
- This analysis monetizes benefits to youth by estimating the impact on lifetime earnings from not having a criminal record. Many intangible benefits to youth, families, and communities from the policy change could not be included in the analysis because of the difficulty of accurately placing a dollar value on intangible benefits such as improved well-being from participating in programs available within the juvenile justice system and not having the stigma of a criminal record.

In sum, the cost-benefit analysis shows that this specific plan to raise the age of juvenile jurisdiction in North Carolina will cost taxpayers \$70.9 million a year and that this annually reoccurring investment will generate \$123.1 million in reoccurring benefits to youth, victims, and taxpayers over the long term. These results indicate that the benefits of the plan outweigh the costs and that, from a cost-benefit standpoint, the policy change merits consideration.

Acknowledgments

The authors thank the members of the System Costs Work Group of the Youth Accountability and Planning Task Force for their deep involvement and careful deliberations throughout this analysis. We are especially grateful to Representative Alice Bordsen and Senator Stan Bingham, co-chairs of the System Costs Work Group, for their commitment to this work. We also thank Susan Katzenelson and Ginny Henever at the North Carolina Sentencing and Policy Advisory Commission for their time and assistance with the data analysis, and Michelle Hall for coordinating our work with the System Costs Work Group and North Carolina's justice agencies.

We thank our Vera Institute of Justice colleagues, including director Michael Jacobson for reviewing the analysis; Jennifer Fratello for providing expertise on juvenile justice research and practice and conducting the analysis of the juvenile data; Tina Chiu for her insight and guidance throughout this project; and Alice Chasan for editing. Special thanks go to Philip J. Cook of Duke University; Howard N. Snyder of the Bureau of Justice Statistics; and Jeffrey A. Butts of the John Jay College of Criminal Justice, City University of New York, for their helpful comments.

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Background

Beginning in the 1970s, increasing crime rates among adolescents led many states to pass laws that brought youth under the age of 18 under the jurisdiction of the adult court. Since then, many states have reversed their decisions, raising the age of juvenile jurisdiction back to 17 or 18.

Today, North Carolina remains one of two states that process any offense committed by 16- and 17-year-olds in the adult system. In recent years, however, there has been a growing call for raising the state's age of juvenile jurisdiction so that adult jurisdiction begins at age 18 rather than 16. As in other states, the impetus for these efforts arose from recent research that demonstrates cognitive and behavioral differences between adolescents and adults; an emerging national consensus regarding the necessity to handle youth cases in a manner that addresses these differences in their development; and a greater awareness of the adverse effects that a criminal conviction will have on youth for the duration of their lives.

Recent developments in neuroscience suggest that teenagers are neither competent to stand trial under the same circumstances as adults nor are they as culpable for their actions. For example, brain imaging studies show that teenagers, whose brains have not fully developed, take longer to judge something to be a bad idea.¹ Other studies have confirmed significant differences in the cognitive processing of adolescents that affect their ability to make sound judgments.²

These findings have led to an emerging national consensus that youth under age 18 are less culpable because they do not fully comprehend the consequences of their actions and thus require a different response from the justice system. A 2005 Supreme Court decision outlawing the death penalty for anyone younger than age 18 encapsulates this consensus. In *Roper v. Simmons*, the court noted that “from a moral standpoint it would be misguided to equate the failings of a minor with those of an adult, for a greater possibility exists that a minor’s character deficiencies will be reformed For the reasons we have discussed . . . a line must be drawn. . . . The age of 18 is the point where society draws the line for many purposes between childhood and adulthood.”³

Last, but not least, handling 16- and 17-year-olds in the adult criminal justice system imposes a cost on their future ability to succeed academically, professionally, and financially, since a criminal record will restrict their ability to obtain financial aid for college, find jobs, vote, and apply for public benefits. Research also suggests that youth who have been confined in adult facilities are more likely to reoffend than those who have spent time in juvenile institutions.

In fall 2009, the North Carolina General Assembly created the Youth Accountability Planning Task Force (YAPTF) to examine whether the state should raise the age of juvenile

¹ A.A. Baird, J.A. Fugelsang, and C.M. Bennett, “What Were You Thinking?” Available at <http://faculty.vassar.edu/abbaird/research/projects/goodidea2.php> [last visited December 30, 2010].

² Laurence Steinberg and Elizabeth Scott, “Less Guilty By Reason of Adolescence: Developmental Immaturity, Diminished Responsibility, and the Juvenile Death Penalty,” *American Psychologist* 58 (2003).

³ 543 U.S. 551, 569-70, & 574 (2005).

jurisdiction.⁴ In July 2010, the System Costs Work Group of YAPTF asked the Cost-Benefit Analysis Unit at the Vera Institute of Justice to examine both the costs and the benefits of this policy change. Specifically, Vera assessed the economic impact of implementing a plan to transfer 16- and 17-year-olds who commit misdemeanor and low-level, non-violent (F-I) felony offenses to the juvenile system, while keeping 16- and 17-year-olds who commit serious violent (A-E) felonies in the adult criminal justice system.⁵

The report begins with a description of the methodology we used for the cost-benefit analysis and outlines the conceptual framework for the cost-benefit model as well as the policy assumptions that we made. It next provides a summary of the costs and benefits of the policy change and then describes the estimated costs and benefits to taxpayers, as well as victims and youth. Additional details, such as the calculation of unit costs, the sensitivity analysis, and supporting tables, are in the appendices.

This analysis benefited from the input and guidance of the System Costs Work Group, which provided us with feedback on data and our analytic approach and helped us to arrive at a consensus on the central assumptions of the cost-benefit analysis.⁶

Cost-Benefit Methodology

In this section we discuss the conceptual framework for the cost-benefit analysis, the general assumptions used in the model, the methodology for estimating costs and benefits, and the comparison of costs and benefits. We also discuss the limitations of the analysis.

Cost-benefit analysis (CBA) is a tool used by decision makers to weigh the pros and cons of potential investments. This CBA assesses the costs and benefits of raising the age of juvenile jurisdiction from the perspectives of taxpayers, victims, and youth. The taxpayers' perspective examines how much this policy change will cost government agencies and the extent to which this cost will be offset by taxpayer benefits and potential budgetary savings. The victims' perspective addresses the effect of the policy change on reducing crime and the impact that will have on the associated victimization costs. The youth perspective captures the impact on a young person of being tried in the more treatment-oriented juvenile justice system rather than in the more punitive environment of the adult criminal justice system.

Diagram of the Cost-Benefit Model

Our analysis captures the cost of the policy change and the ensuing benefits of raising the age for an annual cohort of 16- and 17-year-old youth. Figure 1 outlines the conceptual model for this

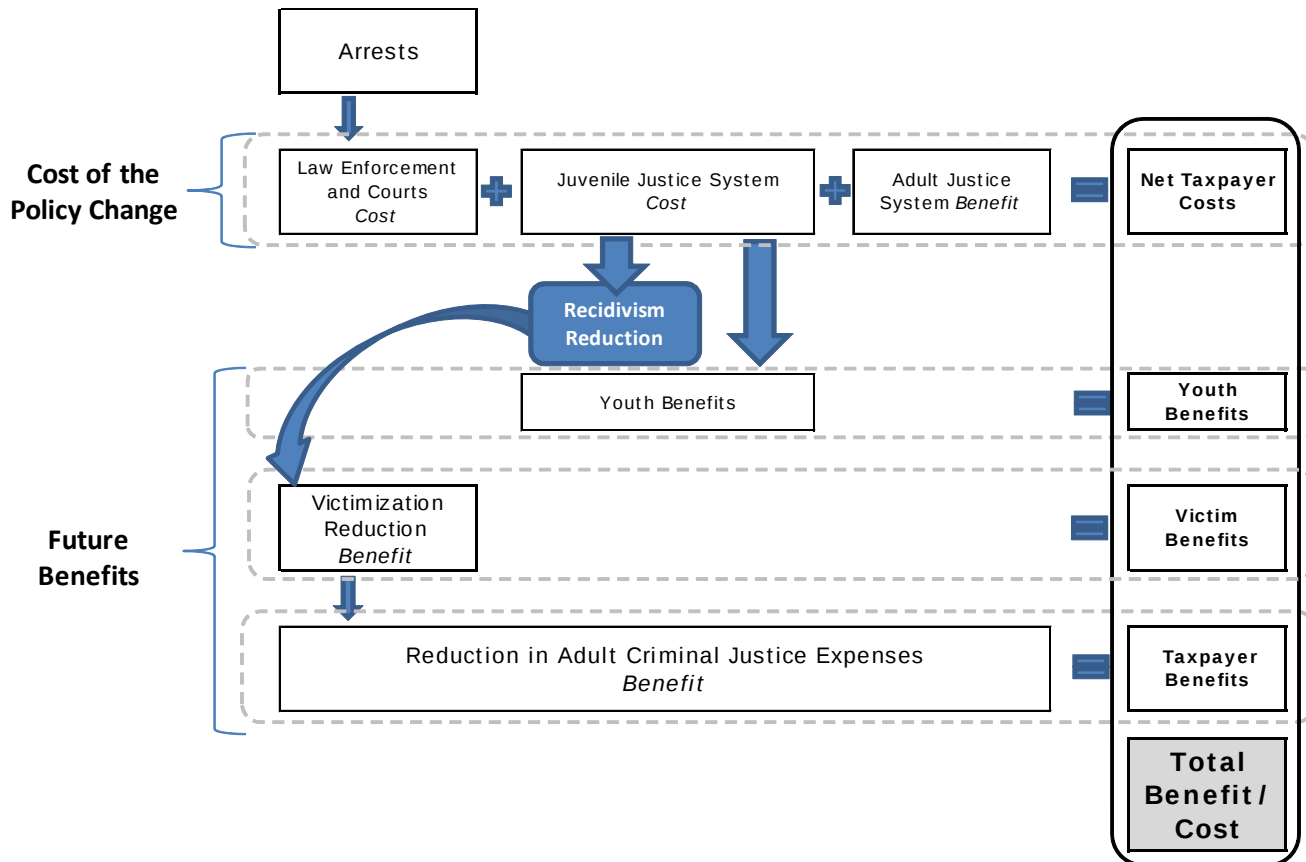
⁴ Session Law 2009-451, Senate Bill 202.

⁵ Under the plan, violent (A-E) felony cases will originate in the juvenile court, but they will be subsequently transferred to the adult court

⁶ A list of work group members and the schedule of meetings and agendas are provided in appendices A and B.

analysis. Arrests, shown at the top left, represent the starting point of justice system expenditures.

Figure 1: Diagram of the Cost-Benefit Model



We thus begin our analysis by estimating the impact of the policy change on law enforcement, followed by its impact on the courts. We then assess how much the policy change will cost the juvenile justice system, which oversees juvenile detention, juvenile residential care, and community programs for youth. Next, we consider how the policy change will affect the workload of the adult system, which will no longer be responsible for 16- and 17-year-olds. The difference in the additional costs to law enforcement, courts, and juvenile justice, and the benefits to the adult system represents the net taxpayer cost.

An analysis limited to the impact on the government budget would end here, but the cost-benefit model continues by estimating the future benefits of raising the age. We calculate some of these future benefits based on an anticipated reduction in recidivism. We estimate the number of crimes that will be avoided and the resulting benefits to victims in avoided victimization costs and to taxpayers in reduced justice system expenditures associated with investigating and prosecuting crimes. We also examine the benefits that will accrue to youth affected by this policy

change, the most tangible benefit being an increased opportunity for future earnings by not having a criminal record.

The cost of the investment reoccurs on an annual basis, as each year another cohort of 16- and 17-year-olds enters the juvenile justice system. The benefits of the policy change accrue for each cohort of 16- and 17-year-olds. The taxpayer and victim benefits, for each annual cohort, are realized two to four years after the investment, and the youth benefits occur over 35 years after the investment.

Assumptions

Performing a cost-benefit analysis of a large-scale policy change requires making several assumptions. In raising the age of juvenile jurisdiction, we worked with the System Costs Work Group to arrive at a consensus on the central assumptions of the cost-benefit analysis, including how 16- and 17-year-olds would be handled in the juvenile justice system, how the new policy would affect the future offending behavior of the affected youth, and which benefits to include in the analysis.⁷ These and related assumptions are detailed below.

- *Number of 16- and 17-year-olds arrested.* This analysis assumes that if the state of North Carolina raises the age of juvenile jurisdiction, the initial number of 16- and 17-year-olds who are arrested and treated as juveniles will be the same as the number of 16- and 17-year-olds who are currently arrested on misdemeanors and low-level, non-violent felony (F-I) offenses and treated as adults (about 30,500). In the years subsequent to the policy change, the number of 16- and 17-year-olds arrested will decline based on a reduction in youth recidivism, which is discussed below.⁸
- *Impact of the policy change on the number of younger juveniles arrested.* This analysis assumes that raising the age of juvenile jurisdiction will not affect the number of arrests of young people ages six to 15 who are currently defined as juveniles.
- *Probability of juvenile justice resource use.* This analysis assumes that the likelihood that arrests of 16- and 17-year-olds will result in court processing, detention, residential commitment, or community supervision will be the same as that of younger juveniles, as there is no evidence to support that the juvenile justice system will arrest, prosecute, and adjudicate older juveniles differently than younger juveniles. The only changes we assume in juvenile justice resource use for 16- and 17-year-olds are higher rates of referrals to diversion programs, as discussed below.
- *Rate of referrals to Juvenile Crime Prevention Council (JCPC) programs.* The model assumes that, after the policy change, 30 percent of juvenile arrests of 16- and 17-year-olds will be referred to JCPC programming. This is the proportion of juvenile arrests

⁷ A list of work group members and the schedule of meetings and agendas are provided in appendices A and B

⁸ Sixteen- and 17-year-olds arrested for A-E felonies will initially be processed in the juvenile system and then transferred to the adult criminal justice system. We assume that the number of young people arrested on these charges (about 1,000 currently) will remain the same after the policy change.

that JCPC currently serves. The use of JCPC programming contributes to the low rate of juvenile commitment to Youth Development Centers (YDCs).⁹

- *Rate of referrals to alternative-to-detention programs (ATD).* The cost-benefit model assumes that, after the policy change, 30 percent of 16- and 17-year-olds who would be detained will instead be referred to an ATD program. This assumption is based on the work group's guidance that the juvenile system should use the least restrictive option and should reserve pretrial detention for youth who have the highest risk of re-arrest prior to court disposition or of failure to appear in court. The authors selected the rate of 30 percent because it reflects an aggressive, yet attainable, diversion effort to minimize the use of detention. A sensitivity analysis in Appendix G presents alternative cost-benefit results that are based on different diversion rates.
- *Rate of referrals to alternative-to-placement programs (ATP).* The cost-benefit model assumes that, after the policy change, 30 percent of 16- and 17-year-olds who would be committed to a residential YDC will instead remain at home or in their communities, and be placed in an ATP program. This assumption is also based on the work group's guidance that the juvenile system should use the least restrictive option and should reserve confinement for the most serious and chronic offenders. The authors selected the rate of 30 percent because it reflects an aggressive, yet attainable, diversion effort to minimize the use of commitment. A sensitivity analysis in Appendix G presents alternative cost-benefit results based on different diversion rates.
- *Effect of the juvenile justice system on recidivism.* This analysis assumes that the recidivism rates for rearrest, reconviction, and reincarceration among 16- and 17-year-olds handled by the juvenile justice system will be 10 percent lower than the recidivism rates of 16- and 17-year-olds currently handled by the criminal justice system. This conservative assumption is based on recent literature showing that recidivism rates are lower in the juvenile system than in the adult system. For example, a literature review conducted by the Centers for Disease Control and Prevention found "strong evidence" that juveniles tried in adult courts have higher recidivism rates than those tried in juvenile court, with a median difference of 34 percent.¹⁰ A sensitivity analysis in Appendix G presents alternative cost-benefit results based on different recidivism rates.
- *Jurisdiction of subsequent offenses.* The analysis assumes that, after the policy change, 16- and 17-year-olds who re-offend will be handled in the criminal justice system because of the proximity of their age to the age of adult jurisdiction. That is, 16- and 17-year-olds will likely turn 18 before they commit their next offense.

⁹ In addition to serving court-involved youth, JCPC programs also serve other youth who are referred by schools and other institutions. Because this cost-benefit study focuses on a policy change that affects youth who are charged with juvenile offenses, we only estimate the additional costs that JCPC will incur to handle more court-involved youth.

¹⁰ Centers for Disease Control and Prevention, Task Force on Community Preventive Services, "Effects on Violence of Laws and Policy Facilitating the Transfer of Juveniles from the Juvenile Justice System to the Adult Justice System," *American Journal of Preventive Medicine* (April 2007): p.S14, available at <http://www.cdc.gov/mmwr/pdf/rr/rr5609.pdf>.

- *Monetizing youth benefits.* The only youth benefit included in the model is the benefit of greater future earnings from not having a criminal record. We did not measure benefits to youth resulting from increased access to treatment and vocational programs within the juvenile system because of insufficient data on the impact of these programs on youth's health or well-being. We also did not measure the intangible benefits of the proposed change, such as removing the stigma of criminal conviction and the deprivation of voting rights for people convicted of a felony.
- *Family and community benefits.* Other stakeholders, such as the families of youth and communities at large, will benefit from the policy change. Families will benefit, for instance, by avoiding the stigma of their child's involvement in the criminal justice system. We recognize benefits to families and communities as important but have not included them in the analysis because they cannot be accurately monetized.
- *Capital costs.* A supply of "off-line," i.e., unused, capacity in the Youth Development Centers (YDC) could be used to serve 16- and 17-year-old juvenile offenders. Because the required capital costs remain in question, we omitted these costs from the cost-benefit model and discuss them separately. If capital costs were included in the cost-benefit model, they would only have a modest impact on the total net benefit of the policy change. We discuss this particular scenario in a sensitivity analysis in Appendix G.

Additional assumptions are discussed in the sections on costs and benefits.

Estimating Costs and Benefits

As illustrated in the diagram of the cost-benefit model (Figure 1), we estimated costs and benefits from the perspective of taxpayers, victims, and youth based on the assumptions detailed in the previous section. In this section, we discuss specific details of how we estimated costs and benefits for each perspective.

Taxpayers. How much will raising the age cost state agencies, and how much will the policy change generate in savings and other benefits? To answer this question, we examined how raising the age will affect each component of the state's juvenile and criminal justice system. These components include law enforcement, courts, juvenile detention, juvenile correctional institutions, and community-based programs for youth, jails, prisons, and probation.

To project the additional cost that justice agencies will incur as a result of the policy change, we estimated the cost to each component of the juvenile justice system of handling one individual and applied this cost to the number of 16- and 17-year-olds who will reach each stage of the system. To estimate justice system costs, we used marginal, rather than average, costs of each part of the system.

Marginal costs describe how the cost of an operation changes when workload levels change. Average costs include both marginal and fixed costs, which typically do not change as workload

changes. For example, if 100 fewer people are sent to prison, the corrections department would be able to save immediately on variable costs such as food, clothing, and some medical expenses. Fixed costs, however, like rent, utilities, and executive management salaries will not be affected.¹¹ Using average costs in cost-benefit analysis is common, but this practice overstates costs because fixed expenses do not change when the inmate population declines. In contrast to average costs, marginal costs reflect only those costs that increase or decrease as workload changes, and thus provide a better measure of the cost-savings that crime reduction can generate. The marginal costs and benefits used in this analysis are provided in Appendix C.

To estimate how many 16- and 17-year-olds will reach each system component, we analyzed how individuals currently flow through the state's justice agencies. We then estimated the proportions of all arrests that result in court processing, referral to community-based programs, placement in detention centers, and sentencing to correctional facilities.

To determine the impact of expanding juvenile jurisdiction for an annual cohort of youth, we multiplied marginal costs by the number of individuals that reach each stage of the system and, if applicable, by the average length of stay. For example, we multiplied arrest costs by the number of arrests; court costs by the number of court cases; and jail costs by the number of incarcerations and the average length of stay in jail.

Changing the age of jurisdiction will add to the workload of juvenile justice agencies; at the same time, it will reduce the workload of some criminal justice agencies. We assess the value of this workload reduction by estimating the marginal cost of each criminal justice system component and the number of 16- and 17-year-olds who will no longer need to be in that component. We also assess the reduction in future criminal justice expenditures due to the reduction in recidivism that the policy change is expected to produce. It is important to note that these benefits may not necessarily translate into budget savings, as agencies may use these funds to fill existing gaps or meet other needs. We count these benefits nonetheless because they represent a positive outcome that offsets the cost of the investment.

Victims. Research shows that placing 16- and 17-year-olds under the jurisdiction of the juvenile system and increasing the availability of high-quality programs will likely reduce recidivism rates among these youth. As recidivism decreases, so does victimization. This cost-benefit analysis estimates the avoided victimization costs that will result from raising the age of juvenile jurisdiction in North Carolina.

Crime often imposes substantial costs on victims. Some victims incur direct out-of-pocket expenses, such as medical costs and the value of stolen property. Others suffer physical injuries or endure psychological pain. As crime decreases, fewer people incur the costs associated with crime. Over the past few decades, researchers have developed methods to place a dollar value on the monetary and the non-monetary costs of crime. One recent study by McCollister et al. uses the most current data available to estimate the victimization costs of serious crimes such as

¹¹ To the extent there is an appreciable reduction in the inmate population, fewer staff would be necessary to oversee the reduced population, and larger reductions might allow for the closure of a housing unit.

murder, rape, robbery, aggravated assault, burglary, larceny, and motor vehicle theft.¹² To estimate the monetary costs, it uses the cost-of-illness approach, which measures medical expenses, cash loss, property theft or damage, and lost earnings that result from injury and other victimization-related consequences. Another study, by Mark Cohen, provides victim costs for less serious crime categories, such as fraud, vandalism, and simple assault.¹³

This analysis draws on McCollister's and Cohen's studies to estimate the victim benefits of raising the age in North Carolina. However, these studies present victim costs by crime categories, not by offense levels, which we use in our analysis. Therefore, we examined the types of crimes that are typically considered misdemeanors and low-level felonies in North Carolina in order to assign victim costs to each. We assume that an average F-I felony has a victim cost of \$4,000, based on the studies' victim cost estimates for crimes such as aggravated assault (\$8,700), simple assault (\$4,500), motor vehicle theft (\$6,114), and robbery (\$3,299). We also assume that an average misdemeanor has a victim cost of \$500, based on the victim cost estimates of vandalism (\$370), larceny (\$450), fraud (\$1,100), and theft (\$480).

We compute the victim benefits of expanding juvenile jurisdiction using the victim cost estimates described above and the impact of the reform on recidivism rates. The general approach is to multiply the victim costs associated with felony and misdemeanor offenses by the number of felonies and misdemeanors the reform will prevent. Because recidivism rates only indicate the number of arrests that offenders commit, and not every crime results in an arrest, we used the National Crime Victimization Survey to estimate how many crimes were prevented for each arrest.

Youth. Raising the age of juvenile jurisdiction will benefit 16- and 17-year-olds because they will no longer have criminal records that limit their future employment opportunities. Employers are often hesitant to hire people with criminal records because of potential legal liability if the person with a criminal record harms a customer or coworker; financial liability if the person engages in theft; fear of violence; and the negative signals that a criminal conviction sends about a person's general skills and trustworthiness. When young people have criminal records, therefore, their employment prospects are jeopardized for many years ahead.¹⁴

Research suggests that a person's criminal justice involvement reduces his or her future earnings, with estimates of the impact ranging from 10 to 40 percent.¹⁵ One particularly relevant study that investigates the impact of receiving a criminal conviction when young on future

¹² Kathryn E. McCollister, Michael T. French, and Hai Fang, "The Cost of Crime to Society: New Crime-Specific Estimates for Policy and Program Evaluation," *Drug and Alcohol Dependence* 108, no. 1 (2010): pp. 98-109.

¹³ Mark A. Cohen and Alex Piquero, "New Evidence on the Monetary Value of Saving a High Risk Youth," *Journal of Quantitative Criminology*, 25 (2009): pp. 25-49.

¹⁴ Harry Holzer, "Collateral Costs: Effects of Incarceration on Employment and Earnings Among Young Workers," In *Do Prisons Make Us Safer? The Benefits and Costs of the Prison Boom*, ed. Steven Raphael and Michael Stoll, 239-263 (New York: Russell Sage Foundation, 2009).

¹⁵ The Pew Charitable Trusts, *Collateral Costs: Incarceration's Effect on Economic Mobility* (Washington, DC: The Pew Charitable Trusts, 2010); Joel Waldfogel, "The Effect of Criminal Conviction on Income and the Trust 'Reposed in Workmen,'" *The Journal of Human Resources* 29 no. 1 (1994): pp. 62-81.

earnings finds that earnings decrease by 13 percent after nine years.¹⁶ The cost-benefit analysis applies this finding to estimate the additional earnings to youth who would avoid having a criminal record given this policy change.

Placing 16- and 17-year-olds in the juvenile system will benefit youth in other ways as well:

- The absence of a felony criminal record means that a person may vote, obtain financial aid for college, secure public housing, and avoid other collateral consequences of a criminal conviction.¹⁷
- Additional services within the juvenile system, such as mental health treatment and vocational programs, may further enable young people to develop skills and abilities to succeed in the future.
- Because the policy change will likely reduce recidivism rates among 16- and 17-year-olds, it will enable youth who might have otherwise re-offended to avoid future criminal justice involvement and thus lead more satisfying, productive lives.

Because of the dearth of information about the impact of the juvenile system on these outcomes, they are not incorporated into our cost-benefit analysis. Nevertheless, it is important to recognize that raising the age would produce these valuable benefits.

Comparing Costs and Benefits

We compare the costs and benefits of raising the age to estimate the net present value (NPV) of the fiscal impact of the policy change. “Net” means that the amount represents differences between costs and benefits.¹⁸ “Present value” is an accounting method for estimating the worth today of dollars that occur in the future. With an investment such as expanding juvenile jurisdiction, most costs are incurred early on, while many benefits (such as avoided criminal justice costs and benefits to youth) are realized in later years. Simply comparing the nominal dollar value of program costs and benefits would be problematic. The value of a dollar is greater in the present than in the future, because a dollar available today can be invested and produce income over time, making it worth more than a dollar available in the future. Thus, to make a fair comparison between costs and benefits, it is essential to focus on their value at a common point in time—in this case, in the present. This cost-benefit analysis discounts all future costs and benefits using a 3 percent discount rate, which is commonly accepted for the evaluation of social programs.

¹⁶ Sam Allgood, David B. Mustard, and Ronald S. Warren, Jr., *The Impact of Youth Criminal Behavior on Adult Earnings* (Athens, GA: University of Georgia, August 2003).

¹⁷ Michael Pinard, “An Integrated Perspective on the Collateral Consequences of Criminal Convictions and Reentry Issues Faced by Formerly Incarcerated Individuals,” *Boston University Law Review* 86 (2006): 623-636.

¹⁸ James Riccio, Daniel Friedlander, and Stephen Freedman, *Gain: Benefits, Costs, and Three-Year Impacts of a Welfare-to-Work Program* (New York: MDRC, 1994).

The net present values of benefits and costs that we report are per an annual cohort of 16- and 17-year-old youth, meaning they will reoccur annually for each new cohort of youth.¹⁹

Limitations of the Analysis

This analysis is based on a rigorous cost-benefit methodology, data specific to North Carolina's justice system, and expertise of the state's criminal justice practitioners. In this section, we review the limitations of the analysis. First, some of the data necessary for a more detailed analysis was not available. For example, we had little information about jail populations and law enforcement spending patterns across the state, as North Carolina does not have a centralized data-collection process or repository for this information. In these situations, we relied on site-specific information or national statistics. For instance, we relied on data from the Mecklenburg County Jail and consulted with task force members to ensure that it was reasonable to assume that other jails were similar to this jail. For data on law enforcement, we drew on national data from the Bureau of Justice Statistics.

Second, this analysis does not measure the intangible benefits of the proposed change, such as avoiding the stigma of criminal conviction and the deprivation of voting rights for those convicted of a felony. We also did not measure benefits to youth as a result of increased access to treatment and vocational programs within the juvenile system because of insufficient data on the impact of these programs on the health or well-being of youth. As a result, this analysis is a conservative estimate of the benefits of raising the age.

Third, cost-benefit analysis involves making predictions, which are inherently uncertain. We addressed this limitation by using the best available information to support all the assumptions in the analysis. If some of our assumptions—such as how 16- and 17-year-olds will be handled in the juvenile system, or the rates at which youth will re-offend—prove to be incorrect, the actual costs and benefits of the policy change may change. The sensitivity analyses in Appendix G investigate the effects of varying some of these assumptions, including the policy's impact on recidivism and the state's level of investment in diversion programs, on the cost-benefit results.

Summary of the Cost-Benefit Analysis

This analysis found that expanding juvenile jurisdiction to include misdemeanor and nonviolent felony offenses for 16- and 17-year-olds would yield \$52.3 million in net benefits per annual cohort of youth. As Figure 2 shows, an annually recurring investment of \$70.9 million would yield \$123.1 million in total benefits: \$21.7 million in taxpayer benefits, \$3.6 million in victim benefits, and \$97.9 million in benefits to youth. This section presents a summary of the analysis, and subsequent sections discuss the details of the costs and benefits by perspective. Please note

¹⁹ Alternatively, we could have reported the net present value per offender (as is sometimes the case in cost-benefit studies of criminal justice investments); we determined, however, the resulting figure would have been too abstract to be useful to the reader.

that in Figure 2 and all subsequent tables, the values in parentheses are costs and the values without parentheses are benefits.

Actual policy and implementation decisions will affect the accuracy of these findings. Vera staff will provide the cost-benefit model used in this analysis to the System Costs Work Group, and task force members will be able use the model to modify various scenarios.

Figure 2: Cost-Benefit Summary, by Perspective, per Annual Cohort of Youth Aged 16 and 17
Net Present Values in Millions

	Net Present Value
Taxpayer Costs	
Law Enforcement	(\$7.9)
Courts	(\$3.9)
Youth Detention	(\$6.1)
Youth Commitment	(\$14.7)
Youth Supervision	(\$18.2)
Youth Programs	(\$20.2)
Total Taxpayer Costs	(\$70.9)
Benefits	
Taxpayer Benefits	\$21.7
Law Enforcement	\$0.5
Courts	\$0.3
Adult Jail	\$13.9
Adult Prison	\$3.3
Adult Supervision	\$3.8
Victims Benefits	\$3.6
Youth Benefits	\$97.9
Total Benefits	\$123.1
Net Benefit	\$52.3
Net Taxpayer Cost	(\$49.2)

Costs

We estimate that raising the age of juvenile jurisdiction would have a taxpayer cost of \$70.9 million per annual cohort of 16- and 17-year-olds. This section will discuss the annual cost to law enforcement (\$7.9 million), courts (\$3.9 million), and the juvenile justice system (\$59.1 million). We will discuss the benefits in the next section. Further details on all these costs and

calculations are in Appendices C and D. Appendix H provides a breakdown of taxpayer costs in the years following the policy change.

Law Enforcement

Expanding the age of juvenile jurisdiction will increase the workload of law enforcement agencies because juvenile arrests are more labor-intensive to process than adult arrests. According to information provided by the North Carolina Sheriff's Association to the System Costs Work Group, "the investigation of a criminal case involving a juvenile and the processing of that juvenile case through the criminal justice system is much more complex and labor intensive than required when processing as an adult."²⁰ Different procedural treatment by law enforcement, such as working with the youth's parents in juvenile cases, accounts for this difference in workload.

This analysis assumes that the marginal cost of a juvenile complaint is 50 percent greater than that of an adult arrest. Based on this assumption, the expansion of juvenile jurisdiction will cost \$7.9 million per annual cohort of youth (see Figure 3). We estimate this cost by multiplying the total arrests of 16- and 17-year-olds (31,590) by the additional cost (\$249) that is associated with a juvenile arrest.

To provide some context to this figure, \$7.9 million amounts to 0.5 percent of law enforcement spending in North Carolina, based on spending data from the Bureau of Justice Statistics.²¹

Figure 3: Cost to Law Enforcement, per Annual Cohort of Youth Aged 16 and 17
Net Present Values in Millions

	Arrests	Net Present Value
Misdemeanors	25,000	(\$6.2)
Felonies F-I	5,535	(\$1.4)
Felonies A-E	1,054	(\$0.3)
Total	31,590	(\$7.9)

Note: Totals may not sum because of rounding.

Courts

Increasing the age of juvenile jurisdiction will affect North Carolina's court system in several ways. First, district courts will spend more time on misdemeanor cases because, according AOC's survey of court staff, juvenile matters are more time-consuming than adult criminal

²⁰ Memo from Eddie Caldwell, executive vice president and general counsel, North Carolina Sheriffs' Association, to the System Costs Work Group. Re: Local Costs Related to an Increase in the Juvenile Age from 16 to 18, July 16, 2010.

²¹ Bureau of Justice Assistance, Office of Justice Programs *Justice Expenditure and Employment Extracts*, 2006, December 1, 2008. NCJ 224394.

proceedings. Second, the jurisdiction of F-I felonies will be moved from superior to district courts, thus increasing the district courts' workload. Third, the district courts will handle additional transfers of a small proportion of F-I felony cases that belong in the superior court. Fourth, moving F-I felonies from superior to district courts will reduce the superior courts' caseload backlog. Finally, as more district attorneys will be needed to handle 16- and 17-year-olds as juveniles, some attorneys will require training on juvenile law.²² Details about changes to the court system and their associated costs are discussed below. As Figure 4 indicates, the total cost to the court system will be \$3.9 million.

Figure 4: Cost to Courts per Annual Cohort of Youth Aged 16 and 17
Net Present Values in Millions

	Cases	Net Present Value
Misdemeanors	14,097	(\$3.0)
F-I Felonies	4,990	(\$1.6)
Transfer Costs	849	(\$0.1)
Superior Court	4,990	\$1.1
DA Training	n/a	(\$0.17)
Total	n/a	(\$3.9)

Note: Totals may not sum because of rounding.

District Courts: Misdemeanors. According to recent interviews with court staff, it will take approximately twice as long for district courts to process misdemeanors as juvenile cases as compared to adult cases.²³ This additional court time translates into increased workloads for judges, clerks, assistant district attorneys, and judicial assistants. We estimate the additional cost required to support this increased workload using current staff salaries, the additional amounts of time staff members will spend on a misdemeanor case, and the number of misdemeanor cases that would be affected by the policy change. The staff salaries were provided by the state's Administrative Office of the Courts (AOC), and the amounts of time spent on cases in North Carolina are presented in a workload study by the National Center on State Courts.²⁴ We estimate the additional cost per misdemeanor to be \$213 per case and the total cost of processing 14,097 affected misdemeanor cases to be \$3.0 million.

²² According to a civil defender educator at the University of North Carolina's School of Government, who provides training to defense attorneys, the policy change will not require substantial training for defense attorneys.

²³ Communication with AOC's Research and Planning Division.

²⁴ North Carolina Administrative Office of the Courts, Judicial Department Position Costs. 2011-2013 Long Session, 2010; Matthew Kleiman, and Cynthia G. Lee, *North Carolina Assistant District Attorney / Victim Witness Legal Assistant Workload Study* (Williamsburg, VA: National Center for State Courts, 2010); William E. Hewitt, Matthew Kleiman, Wanda L. Romberger, and Richard Y. Schauffler, *Updating North Carolina's Workload Assessment Methodology* (Williamsburg, VA: National Center for State Courts, 2007).

District Courts: F-I Felonies. F-I felonies will be transferred from the superior to district courts, which will consequently require more district court judges, clerks, and judicial assistants to process these cases. We estimate the additional cost of supporting this increased workload using staff salaries, the amounts of time each staff member will spend on a felony case, and the number of F-I felony cases that will be transferred to district courts. We estimate the additional cost per felony case to be \$329 and the total cost of processing 4,990 additional felony cases to be \$1.6 million.

District Courts: Transfers. Every year, a small proportion of juvenile cases are transferred to the superior court. Based on our conversation with the work group, we assume that approximately 1 percent of 16- and 17-year-olds charged with an F-I felony will be transferred. Transfer hearings generally require at least an hour of court time and expert witness testimony, which costs at least \$1,000 a day. We estimate the cost of these additional transfer hearings using the salaries of judges, district attorneys, and clerks. The total cost of a transfer hearing, including the cost of an expert witness, is estimated at \$1,230 and the total cost of 50 additional transfer hearings at about \$61,399.

Additionally, all youth charged with an A-E felony will face a mandatory transfer to the superior court. Conversations with AOC staff indicate that these transfer hearings will be relatively brief, and we assume that they will take an average of 15 minutes to complete. We estimate that the cost of each additional hearing will be \$58 and the total cost of processing 849 mandatory transfer hearings to be \$48,822. The total cost of additional transfer hearings for both A-E and F-I felony charges will be \$110,221.

Superior Courts: Backlog Reduction. As F-I felony cases of 16- and 17-year-olds are transferred from superior to district courts, the workload of superior courts will decrease. Because of the backlog in the superior courts' caseloads, AOC will not be able to reduce staffing and realize cost-savings. The backlog reduction will, however, make case processing more efficient, and we estimate the dollar value of this efficiency boost using court staff salaries and the amounts of time saved from reduced caseloads. The benefit of an avoided F-I felony case is estimated at \$212 per case, and the total benefit of reducing the superior courts' caseload by 4,990 cases is estimated to be \$1.1 million.

District Attorney Training. In order to process 16- and 17-year-olds' cases in the juvenile system, some North Carolina district attorneys will need to be trained on juvenile law. The North Carolina Conference of District Attorneys (NCCDA) stated that it would need a resource attorney and semiannual training sessions to prepare attorneys to handle juvenile cases. According to NCCDA, the resource prosecutor would have the same salary as a district attorney, and each training session would cost \$35,000. We estimate the overall cost associated with training district attorneys at \$178,829.

Juvenile Justice: Operating Costs

Raising the age would cost the juvenile justice system \$59.1 million per annual cohort of youth (see Figure 5), exclusive of capital costs, which we discuss in the next section. In addition to the cost of expanded residential services (both detention and commitment) for 16- and 17-year-olds, the agency will also be responsible for additional case intake, community supervision, and prevention programs for this population.

Figure 5: Cost to Juvenile Justice Detention, Commitment, and Supervision
per Annual Cohort of Youth Aged 16 and 17
Net Present Values in Millions

	Placements	Net Present Value
Detention	2,045	(\$6.1)
Commitments	168	(\$14.7)
Court Counselors	31,590	(\$5.5)
Juvenile Supervision	6,234	(\$18.2)
Juvenile Programs		
JCPC	9,161	(\$12.8)
Alternatives-to-Detention	631	(\$.7)
Alternatives-to-Placement	72	(\$1.1)
TOTAL	n/a	(\$59.1)

Note: Totals may not sum because of rounding.

Detention. We estimate that 3 percent of misdemeanants and 15 percent of youth who are charged with a low-level (F-I) felony will be sent to detention for an average of 17 days. These youth will include those who are sent to a detention center pending a disposition; those who serve their sentence in a detention center; and those who violate their probation terms. About \$4.6 million would be necessary to serve 1,473 youth in detention each year. This is based on the daily cost of \$181.90, which is calculated assuming an average staffing ratio of 1.4 positions per youth (88 full-time positions per 64-bed facility). We also assume that 30 percent of those youth who would have been detained are instead referred to an alternative to detention (ATD) program.

Additionally, some youth who are charged with an A-E felony will spend several weeks in juvenile detention until the finding of probable cause, and will then be transferred to a jail. We estimated that 54 percent of the youth arrested on an A-E felony will spend about two weeks in juvenile detention. At a daily cost of \$181.90, the stay for this group will amount to roughly \$1.5 million. The total additional detention cost will be \$6.1 million per year.

Commitments. We estimate that 3 percent of youth charged with a low-level felony will be committed to a YDC for an average of 344 days. We estimate that \$14.7 million annually will be necessary to serve 168 youth in 158 new YDC beds. The daily cost of \$254.90 is calculated assuming an average staffing ratio of two positions per juvenile (198 full-time positions per 96-bed facility). The estimate also assumes that 30 percent of those youth who would have been committed to a YDC are instead referred to an alternative to placement (ATP) program.

Court Counselors. When law enforcement officers in North Carolina arrest youth, they send them to Department of Juvenile Justice and Delinquency Prevention (DJJDP) court counselors, who collect information about the person, decide whether to recommend him or her to court, prepare predisposition reports with a risk and needs assessment, and contact parents regarding possible future appointments. According to DJJDP, this intake process costs \$175 per person. Based on this cost, we estimate that an additional \$5.5 million will be required for counselors to handle more than 30,000 16- and 17-year-olds annually.

Juvenile Supervision. We estimate that \$18.2 million would be necessary to support more than 6,200 youth who would be sentenced to community supervision for an average of 361 days at a daily cost of \$8.06. The supervision population also includes the youth referred to ATP programs.

Juvenile Programs. If JCPC programs serve 16- and 17-year-olds with the same frequency as they now do for juveniles as defined under the existing statute, then \$12.8 million each year would be necessary to support the expansion of the present portfolio of JCPC programs. This estimate is based on the current JCPC program cost of \$1,400 per youth.²⁵ Additionally, \$0.7 million would provide for 631 ATD placements and \$1.1 million for 72 ATP placements annually. These costs are based on the assumption that 30 percent of youth who would have been detained or committed to a YDC will be served by a community-based alternative program. We estimate that ATDs will cost \$26 per day and ATPs will cost about \$15,000 per person, based on the costs of programs implemented elsewhere. Also, according to DJJDP, there may be other costs involved in the start-up and overhead associated with new programs. We do not include these administrative costs in the analysis; however, a substantial investment in new programs might require additional resources for DJJDP.

Juvenile Justice: Capital Costs

If the jurisdictional responsibility of DJJDP is increased, there would be a need for capital funding for residential facilities—both detention and commitment—for 16- and 17-year-olds. There is, however, an existing stock of “off-line,” or currently unused, YDC capacity that could

²⁵ The cost includes both the state and county share of JCPC funding.

be used to house 16- and 17-year-olds. This section describes the cost implications of both new construction and the renovation of existing capacity.

Youth Detention: Capital Costs. Information provided by Guilford County indicates that the marginal cost of a new detention bed is \$109,000. Based on the proportion of juveniles under the current law who are detained, we estimate that 92 new beds would be necessary at a capital cost of \$10.0 million. We do not assume that there are opportunities to renovate unused capacity at existing facilities, as we are not aware of any off-line capacity in youth detention.

Youth Development Centers: Capital Costs. This analysis estimates that 158 new beds at YDCs would be required to meet the needs of the expanded population. DJJDP reports that new construction would cost \$180,000 per bed, and the total capital cost would thus be \$28.5 million. However, as discussed in the System Costs Work Group, renovating existing YDC facilities would be less expensive than constructing new ones. An analysis of the renovation needs at existing YDCs suggests an estimated cost of \$45,606 per bed, for a total cost of \$7.2 million for 158 new beds, compared to the \$28.5 million needed for new construction of the same number of beds.

As of April 2010, there were 319 beds off-line in the state's network of YDCs, which could be available for use if they were adequately renovated. Most of these beds are in three facilities: Stonewall Jackson, Dobbs, and Samarkand Manor. According to a DJJDP list of funding needs for renovations, it appears that some vacant cottages in those facilities could be readily converted into new capacity. Holshouser Dormitory at Stonewall Jackson YDC, for instance, requires \$1.4 million in repairs for 49 off-line beds (\$29,184 per bed), which includes the costs for other campuswide needs, such as school and cafeteria renovations. At Dobbs YDC, 100 off-line beds could be renovated at a cost of \$32,976 per bed, which includes the full cost of the replacement of the sewer system; and at Samarkand Manor 49 off-line beds could be renovated at a cost of \$87,806 per bed, which includes other campuswide renovations such as the upgrade of the electrical system. This totals \$9.0 million for 198 beds at an average renovation cost of \$45,606 per bed. Given that renovating existing facilities will cost less than constructing new ones, the state should consider this option.

Benefits

We estimate that raising the age of juvenile jurisdiction would yield net present value benefits of \$123.1 million per annual cohort of 16- and 17-year-olds. This section discusses the annual benefits to taxpayers via the criminal justice system (\$21.7 million), to victims (\$3.6 million), and to youth (\$97.9 million). Further details on all these benefits and calculations are in Appendix D. Additionally, Appendix H provides a breakdown of taxpayer costs and benefits in the years following the policy change.

Criminal Justice System

While raising the age will add to the workload of juvenile justice agencies, it will reduce the workload of some criminal justice agencies and reduce future criminal justice expenditures. It is important to note that these benefits may not necessarily fund new juvenile justice programs or otherwise translate into budget savings, as agencies may use these funds to fill existing gaps or meet other needs. We count these as taxpayer benefits nonetheless to illustrate the positive effects on law enforcement, courts, and corrections that offset the cost of the policy change (see Figure 6).

Figure 6: Benefits to the Justice System, per Annual Cohort of Youth Aged 16 and 17
Net Present Values in Millions

	Number of Individuals	Net Present Value
Law Enforcement	992	\$0.5
Courts	576	\$0.3
Adult Jail	8,349	\$13.9
Adult Prison	136	\$3.3
Adult Supervision	6,423	\$3.8
Total	n/a	\$21.7

Note: Totals may not sum because of rounding.

Law Enforcement. Lower recidivism rates mean that fewer people are likely to be arrested in the future. We estimate that law enforcement agencies will not have to spend about \$465,948 per year because of 992 fewer future arrests, which includes 695 misdemeanors (totaling \$326,410) and 297 felonies (totaling \$139,537).

Courts. Lower recidivism rates also mean that fewer people are likely to be referred to court. We estimate that the court system will not have to spend about \$292,042 on processing cases. This estimate includes a reduction of \$123,024 in spending from 306 fewer misdemeanor cases; \$165,912 from 268 fewer felony cases; and \$3,107 from three fewer transfer hearings.

Adult Jail. If responsibility for the detention of 16- and 17-year-olds were shifted to the juvenile justice system, local jails would accrue an annual benefit of \$13.9 million. Most of this benefit results from the transfer of responsibility for the 8,349 people who would have been detained in adult jail. These calculations are based on a daily cost of \$37.39 and an average length of stay of 15 days for misdemeanors and 80 days for low-level felonies, based on data from Mecklenburg County.²⁶

²⁶ Although the average length of stay in jails across the state may differ from that in Mecklenburg County, the work group agreed that the county's length of stay data was suitable for the cost-benefit analysis.

Adult Prison. We estimate that \$3.3 million in benefits would accrue to adult prisons: \$1.1 million in benefits would result from lower workloads from the transfer of responsibility for 136 youth who would have been sent to prison, and \$2.2 million would accrue in the future from lowered incarceration rates due to lower crime rates. This estimate is based on a length of stay of 115 days and a daily cost per inmate of \$70.14.

Adult Prison: Capital Benefits. Raising the age of juvenile jurisdiction could generate benefits for the adult prison capital budget. Forty-three prison beds would become available both on account of a reduction in future crime and because responsibility for 16- and 17-year-olds would be transferred to the juvenile system. The average capital cost per prison bed is \$47,202, resulting in a benefit of \$2 million. To the extent the prison population is forecasted to increase, this vacated capacity could offset future capital budget needs.

Adult Supervision. Benefits totaling \$3.8 million would be generated because of reduced adult supervision workloads. We assume that 6,423 individuals would have been referred to community supervision, and the benefit we estimate is based on a daily cost of \$2.48 and an average supervision period of 228 days.

Victims

Transferring 16- and 17-year-olds to the juvenile system will likely reduce recidivism rates for that population, therefore reducing crimes and the associated victimization costs. As mentioned previously, we estimate avoided victimization costs (benefits to victims) using the latest research on the victimization costs for different crime categories. Figure 7 presents these benefits for misdemeanors and F-I felonies. As the table indicates, a 10 percent recidivism reduction among 16- and 17-year-olds transferred into the juvenile system means that there will be 1,724 fewer victimizations associated with misdemeanor arrests and 737 fewer victimizations related to F-I felony arrests. This will result in \$3.6 million in benefits to victims, which are realized two to four years after the policy change. For additional information on how we calculated these costs, see Appendix E.

Figure 7: Benefits to Victims, per Annual Cohort of Youth Aged 16 and 17
Net Present Values in Millions

	Avoided Victimization (Based on 10% Reduction in Recidivism)	Net Present Value
Misdemeanors	1,724	\$ 0.8
Felonies (F – I)	737	\$ 2.8
Total	2,461	\$ 3.6

Note: Totals may not sum because of rounding.

Youth

Research shows that having a criminal record reduces a person's employment opportunities. This means that 16- and 17-year-olds under juvenile justice jurisdiction will have better employment prospects because they will not have criminal records, as they would if they remained in the criminal justice system. In this analysis, we focus on the additional earnings youth will generate as a result of not having a criminal record.

To calculate additional earnings, we begin by estimating the number of youth who will no longer have criminal records. About 4,276 16- and 17-year-olds are convicted of an F-I felony each year. If tried in the juvenile justice system, they would not receive a permanent criminal record. Statistics show that about half of these youth (2,010) will be reconvicted for another offense in the next three years; most likely, this reconviction will be in the adult system because of the proximity of their age to the criminal justice jurisdiction, and they will receive a criminal record. We also estimate that of the remaining individuals, 30 percent (680) will be reconvicted in the adult system in the subsequent years. This leaves 1,586 youth who will not be reconvicted of another offense and who will never have a criminal record.

The Bureau of Labor Statistics estimates that an average full-time worker with a high school degree alone earns \$626 a week, or \$32,552 a year, and that about 72 percent of men with a high school degree alone are employed.²⁷ A recent study finds that individuals who were convicted of an offense when young earn 13 percent less than those who were not convicted, which means that individuals with a high school degree alone earn \$3,046 less a year ($\$32,552 \times 0.13 \times 0.72$).²⁸ Over a lifetime, this earnings differential totals \$61,691 per person, assuming that an average individual with a high school degree alone works for 35 years, from age 20 to 65.²⁹ As Figure 8 shows, for 1,586 youth, these additional earnings add up to \$97.9 million. For additional information on how we calculated these costs, see Appendix F.

Figure 8: Benefits to Youth, per Annual Cohort of Youth Aged 16 and 17

Number of Youth Without a Criminal Records, per Year	Additional Lifetime Earnings Per Youth	Net Present Value
1,586	\$61,691	\$97,857,916

Note: Totals may not sum because of rounding.

²⁷ U.S. Department of Labor, Bureau of Labor Statistics *Employment Projections: Education Pays...* (Washington, DC: 2009), available at http://www.bls.gov/emp/ep_chart_001.htm [last Accessed January 2, 2011]. This figure is distinct from the official unemployment rate which excludes those who are not looking for work, either because they are unable to work or choose not to look for work.

²⁸ Sam Allgood, David B. Mustard, and Ronald S. Warren, Jr., *The Impact of Youth Criminal Behavior on Adult Earnings* (Athens, GA: University of Georgia, August 2003).

²⁹ In our calculations, we assume that although individuals earn an average of \$32,552 a year, their starting salary is lower, at \$22,785, and their salary at 65 is \$44,673. We also discount future earnings to the present, using a 3 percent discount rate. These are gross earnings and may include earnings that are paid in taxes, depending on the individual's filing status, family size, and future tax laws.

Conclusion

This analysis presents the costs and benefits of raising the age of juvenile jurisdiction in North Carolina to include 16- and 17-year-olds, based on a plan to process all misdemeanors and non-violent (F-I) felonies in the juvenile system, while keeping A-E felonies in the adult system. The analysis reflects a careful examination of North Carolina's juvenile and criminal justice policies and costs, incorporates the feedback of the System Costs Work Group, and draws upon national research and best practices in juvenile justice. It is important to note that specific policy and implementation decisions will affect the actual net present value of this investment.³⁰

We find that implementing this particular plan for raising the age of juvenile jurisdiction would yield \$52.3 million in net benefits per annual cohort of youth aged 16 and 17. A net present value investment of \$70.9 million each year would yield \$123.1 million in total benefits, specifically, \$21.7 million in taxpayer benefits, \$3.6 million in victim benefits, and \$97.9 million in benefits to youth. The taxpayer and victim benefits are realized two to four years after the investment, and the youth benefits occur over 35 years after the investment.

This analysis suggests that the costs of raising the age in North Carolina may be less expensive than previously estimated. This is in part because 16- and 17-year-olds who commit violent offenses (A-E felonies) will remain under the jurisdiction of the criminal justice system and also because the analysis models the effect of investing in community-based alternative programming that minimizes the use of detention and commitment. The analysis also suggests that the benefits of raising the age that are presented in this report may be underestimated, since many intangible benefits to youth, families, and communities have not been monetized. These results indicate that the benefits of the plan to raise the age of juvenile jurisdiction outweigh the costs and that, from a cost-benefit standpoint, the policy change merits consideration.

³⁰ Task force members will be able use the model developed for this analysis to consider various scenarios—modifying assumptions, cost information, policy decisions, and other inputs—and to assess the costs and benefits of various policy options.

Appendix A: Youth Accountability and Planning Task Force System Costs Work Group

Task Force Member	Representing
Rep. Alice Bordsen (co-chair)	NC House of Representatives
Sen. Stan Bingham (co-chair)	NC Senate
Sen. Peter Brunstetter	NC Senate
Hon. Charlie Brown	NC Sentencing Commission
Sec. Alvin Keller	NC Department of Correction
Sr. Dep. Director Gregg Stahl	NC Administrative Office of the Courts
Chief Tom Bergamine	Police Chiefs
Stan Clarkson	NC Department of Juvenile Justice and Delinquency Prevention /Chief Court Counselors
Additional Members	Representing
Dr. Mario Paparozzi (co-facilitator)	UNC-Pembroke
Rep. Larry Bell	NC House of Representatives
Dr. Robin Jenkins	NC Department of Juvenile Justice and Delinquency Prevention
David Jones	NC Department of Juvenile Justice and Delinquency Prevention
Susan Katzenelson	NC Sentencing Commission
Ginny Hevener	NC Sentencing Commission
Chloe Gossage	NC Administrative Office of the Courts
Brad Fowler	NC Administrative Office of the Courts
Doug Yearwood	Governor's Crime Commission
Jonathan Williams	Alcoholic Beverage Control Commission
Anthony Allen	County Commissioner's Association
Dr. Joel Rosch	Duke Center for Child & Family Policy
Lao Rubert	Carolina Justice Policy Center
Elizabeth Hudgins	NC Child Fatality Task Force
Dr. Ken Wilson	East Carolina University

Appendix B: System Costs Work Group Discussions of the Cost-Benefit Analysis

September 27, 2010

- Overview of the Analysis
- Governmental Costs
- Victim Costs

October 21, 2010

- Cost-Benefit Analysis Diagram
- Juvenile Programs, Alternatives to Detention
- Juvenile Programs, Alternatives to Placement
- Offender Benefits

November 19, 2010

- Description of the Analysis
- Resource use in the Adult and Juvenile Systems
- Assumptions for the Cost-Benefit Analysis
- Review of the Draft Analysis

December 17, 2010

- Cost-Benefit Analysis Findings

Appendix C: Marginal Costs

Perspective	Marginal Cost	Calculations	Sources
Law Enforcement: One arrest	\$498	Average cost of an arrest is \$3,110 (\$1.358 billion in law enforcement expenses per Bureau of Justice Statistics divided by 436,676 arrests per Uniform Crime Reports). Because data to calculate the marginal cost is not available for North Carolina, information from Washington State, where this calculation has been made, is used to estimate the marginal cost in North Carolina. In Washington State the marginal cost of an arrest (\$670) is 16 percent of the average cost (\$4,182). Therefore, the marginal cost of \$498 is calculated by multiplying the North Carolina average cost (\$3,110) by 16 percent.	• Bureau of Justice Statistics. <i>Justice Expenditure and Employment Extracts</i>, 2006. Table 4. December 1, 2008. NCJ 224394. • Federal Bureau of Investigation. Uniform Crime Reports. <i>Crime in the United States</i>, 2006. Table 69. • Aos, Steve and E. Drake. <i>WSIPP's Benefit-Cost Tool for States: Examining Policy Options in Sentencing and Corrections</i>. Washington State Institute for Public Policy. August 2010.
Law Enforcement: Differential cost of juvenile arrest versus adult arrest	\$249	Cases involving juveniles are more complex and labor intensive than cases involving adults. We therefore assume that juvenile cases require 50 percent more resources. The marginal cost of one arrest (\$498) is multiplied by 50 percent.	• Bureau of Justice Statistics. <i>Justice Expenditure and Employment Extracts</i>, 2006. Table 4. December 1, 2008. NCJ 224394. • Federal Bureau of Investigation. Uniform Crime Reports. <i>Crime in the United States</i>, 2006. Table 69. • Aos, Steve and E. Drake. <i>WSIPP's Benefit-Cost Tool for States: Examining Policy Options in Sentencing and Corrections</i>. Washington State Institute for Public Policy. August 2010.

Perspective	Marginal Cost	Calculations	Sources
Courts: Differential cost of a juvenile misdemeanor	\$213	According to the Administrative Office of Courts (AOC), it will take about twice as long to process juvenile misdemeanor cases as it does to process adult cases. The marginal cost is estimated using the additional number of minutes judges, judicial assistants, clerks, and assistant district attorneys spend on juvenile misdemeanor cases (per judicial workload studies); their salaries (per AOC); and the number of minutes they work each year (per judicial workload studies). For example, a judge works 77,120 minutes and makes \$161,476 a year, which means that s/he earns \$2.07 per minute. It takes an additional 22 minutes to process a juvenile misdemeanor case, so it will take \$45 (22 x \$2.07) in judge's salary to process the case. The same process is repeated for judicial assistants, clerks, and assistant district attorneys.	• North Carolina Administrative Office of the Courts. (2010) Judicial Department Position Costs. 2011-2013 Long Session. • Kleiman, Matthew; Lee, Cynthia G. (2010) <i>North Carolina Assistant District Attorney / Victim Witness Legal Assistant Workload Study</i>. Williamsburg, VA: National Center for State Courts. • Hewitt, William E.; Kleiman, Matthew; Romberger, Wanda L.; Schaufler, Richard Y. (2007). <i>Updating North Carolina's Workload Assessment Methodology</i>. Williamsburg, VA: National Center for State Courts.
Courts: Differential cost of processing a juvenile F-I Felony in district rather than superior court.	\$329	Estimated using the additional number of minutes judges, judicial assistants, and clerks spend on felony cases in district courts versus superior courts (per 2007 workload study); their salaries (per AOC); and the number of minutes they work each year (per judicial workload studies). For example, a judge works 77,120 minutes and makes \$161,476 a year, which means that s/he earns \$2.07 per minute. It takes 45 minutes to process a felony case in district court, so it will take \$93 (45 x \$2.07) in judge's salary to process the case. The same process is repeated for judicial assistants and clerks. Assistant district attorneys were not included in this calculation because we received information that it would take them about the same amount of time to prosecute felony cases in district courts as in superior courts.	• North Carolina Administrative Office of the Courts. (2010) Judicial Department Position Costs. 2011-2013 Long Session. • Kleiman, Matthew; Lee, Cynthia G. (2010) <i>North Carolina Assistant District Attorney / Victim Witness Legal Assistant Workload Study</i>. Williamsburg, VA: National Center for State Courts. • Hewitt, William; Kleiman, Matthew; Romberger, Wanda L.; Schaufler, Richard Y. (2007). <i>Updating North Carolina's Workload Assessment Methodology</i>. Williamsburg, VA: National Center for State Courts.

Perspective	Marginal Cost	Calculations	Sources
Courts: Transfer hearing for F-I felony	\$1,230	It takes at least an hour of court time and an expert witness to implement a transfer hearing. The marginal cost is calculated using the salaries of a judge, a clerk, and an assistant district attorney, divided by the number of hours they work in a year, plus \$1,000 paid to expert witnesses.	• North Carolina Administrative Office of the Courts. (2010) Judicial Department Position Costs. 2011-2013 Long Session. • Kleiman, Matthew; Lee, Cynthia G. (2010) <i>North Carolina Assistant District Attorney / Victim Witness Legal Assistant Workload Study</i>. Williamsburg, VA: National Center for State Courts. • Hewitt, William; et al.. (2007). <i>Updating North Carolina's Workload Assessment Methodology</i>. Williamsburg, VA: National Center for State Courts. • Legislative Fiscal Note for HB1414 (Second Edition). July 20, 2009.
Courts: Transfer hearing for A-E felony	\$58	All A-E felonies will originate in the juvenile system but face a mandatory transfer to the adult system. According to AOC, these transfer hearings will be relatively short. We estimate them to last about 15 minutes. The marginal cost is calculated using the salaries of a judge, a clerk, and an assistant district attorney, divided by the number of hours they work in a year, divided by four.	• North Carolina Administrative Office of the Courts. (2010) Judicial Department Position Costs. 2011-2013 Long Session. • Kleiman, Matthew; Lee, Cynthia G. (2010) <i>North Carolina Assistant District Attorney / Victim Witness Legal Assistant Workload Study</i>. Williamsburg, VA: National Center for State Courts. • Hewitt, William; et al. (2007). <i>Updating North Carolina's Workload Assessment Methodology</i>. Williamsburg, VA: National Center for State Courts.

Perspective	Marginal Cost	Calculations	Source
Courts: Cost of one adult case, misdemeanor	\$427	The marginal cost is estimated using the number of minutes judges, judicial assistants, clerks, and assistant district attorneys spend on juvenile misdemeanor cases (per judicial workload studies); their salaries (per AOC); and the number of minutes they work each year (per judicial workload studies). See the description of “Courts: Differential cost of processing a juvenile F-I Felony in district rather than superior court.” for an example of this calculation.	• North Carolina Administrative Office of the Courts. (2010) Judicial Department Position Costs. 2011-2013 Long Session. • Kleiman, Matthew; Lee, Cynthia G. (2010) <i>North Carolina Assistant District Attorney / Victim Witness Legal Assistant Workload Study</i>. Williamsburg, VA: National Center for State Courts. • Hewitt, William; et al.. (2007). <i>Updating North Carolina’s Workload Assessment Methodology</i>. Williamsburg, VA: National Center for State Courts.
Courts: Cost of one adult case, Felony F-I, processed in a superior court	\$657	The marginal cost is estimated using the number of minutes that judges, judicial assistants, district attorneys, and clerks spend on felony cases in superior courts (per 2007 judicial workload study); their salaries (per AOC); and the number of minutes they work each year (per judicial workload studies). See the description of “Courts: Differential cost of processing a juvenile F-I Felony in district rather than superior court” for an example of this calculation. Assistant district attorneys were not included in this calculation because we received information that it would take them about the same amount of time to prosecute felony cases in district courts as in superior courts.	• North Carolina Administrative Office of the Courts. (2010) Judicial Department Position Costs. 2011-2013 Long Session. • Kleiman, Matthew; Lee, Cynthia G. (2010) <i>North Carolina Assistant District Attorney / Victim Witness Legal Assistant Workload Study</i>. Williamsburg, VA: National Center for State Courts. • Hewitt, William; et al.. (2007). <i>Updating North Carolina’s Workload Assessment Methodology</i>. Williamsburg, VA: National Center for State Courts.

Perspective	Marginal Cost	Calculations	Sources
Courts: Benefit of Superior Court backlog reduction	\$212	The marginal benefit is estimated using the additional number of minutes that judges, assistant district attorneys, judicial assistants, and clerks spend on felony cases in superior courts (per 2007 judicial workload study); their salaries (per AOC); and the number of minutes they work each year (per judicial workload studies). See the description of “Courts: Differential cost of processing a juvenile F-I Felony in district rather than superior court” for an example of this calculation.	• North Carolina Administrative Office of the Courts. (2010) Judicial Department Position Costs. 2011-2013 Long Session. • Kleiman, Matthew; Lee, Cynthia G. (2010) <i>North Carolina Assistant District Attorney / Victim Witness Legal Assistant Workload Study</i>. Williamsburg, VA: National Center for State Courts. • Hewitt, William; et al. (2007). <i>Updating North Carolina’s Workload Assessment Methodology</i>. Williamsburg, VA: National Center for State Courts.
Department of Juvenile Justice and Delinquency Prevention (DJJDP): Court Counselor (Intake)	\$175	Marginal cost per intake. Data provided by DJJDP.	• Jenkins, Robert. (May 2010). <i>DJJDP: Department Overview and Costs Presented to the Cost Work Group</i>. PowerPoint Presentation.
Juvenile Detention: per day	\$181.90	Assumes 1.4 positions per detainee (88 full-time employees (FTEs) for 64-bed facility) at an average salary of \$38,696. The marginal cost also includes \$13,188 per year, per inmate for supplies and materials, according to data provided by Guilford County.	• Legislative Fiscal Note for HB1414 (Second Edition). July 20, 2009. • Presentation by Doug Logan, Director, Court Alternative Department, Juvenile Detention Division. Guilford County. July 16, 2010.

Perspective	Marginal Cost	Calculations	Sources
Juvenile Detention: Capital expense, per bed	\$109,375	Information presented to the System Costs Work Group by Guilford County. It is estimated that each youth requires 375 square feet. Construction cost is \$250 per square foot, and land acquisition is \$41.67 per square foot.	• Doug Logan, Director, Court Alternative Department, Juvenile Detention Division. Guilford County. July 16, 2010. Presentation to System Costs Work Group.
Juvenile Commitment (YDC): per day	\$254.90	Assumes 2.06 positions per juvenile (198 FTEs for 96-bed facility) at an average salary of \$38,716. The marginal cost also includes \$13,188 per year for supplies and materials, according to data provided by Guilford County.	• Legislative Fiscal Note for HB1414 (Second Edition). July 20, 2009. • Presentation by Doug Logan, Director, Court Alternative Department, Juvenile Detention Division. Guilford County. July 16, 2010.
Juvenile Commitment (YDC): Capital expense, new construction	\$180,000	Per bed cost for the new construction of a 64-bed facility. Data provided by DJJDP.	• Communication with Jean Sandaire (DJJDP), December 1, 2010.
Juvenile Commitment (YDC): Capital expense, renovation of existing capacity	\$45,606	Per bed costs to renovate 198 off-line beds at Stonewall Jackson, Dobbs, and Samarkand Manor YDCs. Marginal costs are authors' calculation based on renovation costs provided by DJJDP. These calculations include the both the costs of renovating the cottages as well as other campus-wide needs, such as sewer and electrical upgrades.	• <i>Renovation Needs for Current Cottages, Support Buildings, and Bed Populations</i>. DJJDP. May 4, 2010.
Juvenile Supervision: Per day	\$8.06	Per DJJDP presentation to the System Costs Work Group, May 21, 2010.	• Jenkins, Robert. (May 2010). <i>DJJDP: Department Overview and Costs Presented to the Cost Work Group</i>. PowerPoint Presentation.

Perspective	Marginal Cost	Calculations	Sources
Juvenile Program: Juvenile Crime Prevention Council (JCPC), per slot.	\$1,400	Data provided by DJJDP. This includes both the county and state share of program expenses.	• Communication with Jean Sandaire (DJJDP), December 1, 2010.
Juvenile Program: Alternative-to-Placement (ATP)	\$15,000	Cost of Multisystemic Treatment slot.	• Communication with New York State's MST service providers.
Juvenile Program: Alternative-to-Placement (ATD), per day	\$26	The marginal cost estimates assume that half of those in an ATD program are supervised in the community by a youth advocate for \$17 a day, and half report nightly to a community center for intensive supervision and programming at a cost of \$35 a day.	• The Annie E. Casey Foundation. (2007). <i>Detention Reform: A Cost-Saving Approach</i>.
Adult Jail: per day	\$37.39	Average annual cost per inmate is \$18,372 (\$337 million annually for jails divided by 18,339 inmates). Spending data per Bureau of Justice Statistics expenditures data, 2006, and inmates per the North Carolina Association of County Commissioners (NCAAC). The marginal cost is estimated to be 74 percent of this amount per analysis conducted by the Washington State Institute of Public Policy (WSIPP).	• Bureau of Justice Statistics. <i>Justice Expenditure and Employment Extracts, 2006</i>. Table 4. December 1, 2008. NCJ 224394. • David Johnson. <i>An Evaluative Study of Jail Inmate Populations and Growth in North Carolina</i>. NCAAC. • Aos, Steve and E. Drake. <i>WSIPP's Benefit-Cost Tool for States: Examining Policy Options in Sentencing and Corrections</i>. Washington State Institute for Public Policy. August 2010.

Perspective	Marginal Cost	Calculations	Sources
Adult Prison: per day	\$70.14	Assumes a staffing ratio of 2.5 inmates per prisoner (the average of the last seven prisons constructed in North Carolina) and an average salary of \$39,000; also includes \$10,000 per year, per inmate for supplies and materials.	• Legislative Fiscal Note for HB1414 (Second Edition). July 20, 2009.
Adult Prison: Capital expense	\$47,017	Calculated by averaging the cost to expand capacity at Bertie, Maury, Tabor, and Lanesboro Correctional Institutions.	• North Carolina Capital Improvement Program. Six-Year Summary FY 2007–2013. Office of State Budget and Management

Appendix D: Costs and Benefits to the Justice System, Supporting Tables

Figure D1: Law Enforcement Costs and Benefits
per Annual Cohort of Youth Aged 16 and 17³¹

	Arrests	Marginal Cost	Year 1 Cost	Future Benefit	Net Present Value Cost
Law Enforcement					
Misdemeanors	25,000	\$ (249)	\$ (6,228,983)	\$ 326,410	\$ (5,902,572)
Felonies (F-I)	5,535	\$ (249)	\$ (1,379,190)	\$ 139,537	\$ (1,239,652)
Felonies (A-E)	1,054	\$ (249)	\$ (262,618)	\$ -	\$ (262,618)
Total	31,590	\$ (249)	\$ (7,870,790)	\$ 465,948	\$ (7,404,842)

Figure D2: Court Costs and Benefits
per Annual Cohort of Youth Aged 16 and 17

	Cases	Marginal (Cost)/ Benefit	Year 1 Cost	Future Benefit	Net Present Value Cost
Courts					
Misdemeanors	14,097	\$ (213)	\$ (3,009,360)	\$ 123,024	\$ (2,886,336)
Felonies (F-I)	4,990	\$ (329)	\$ (1,639,540)	\$ 165,912	\$ (1,473,628)
Transfer Costs (F-I)	50	\$ (1,230)	\$ (61,399)	\$ 3,107	\$ (58,292)
Transfer Costs (A-I)	849	\$ (58)	\$ (48,822)	\$ -	\$ (48,822)
ADA training	n/a	n/a	\$ (178,829)	\$ -	\$ (178,829)
Superior Court	4,990	\$ 212	\$ 1,057,923	\$ -	\$ 1,057,923
Total	n/a	n/a	\$ (3,880,027)	\$ 292,042	\$ (3,587,985)

³¹ In this and subsequent tables, subtotals may not sum to totals because of rounding.

Figure D3: Juvenile Justice System Costs and Benefits
per Annual Cohort of Youth Aged 16 and 17

	% of Arrests	Placements	Length of Stay (Days)	Marginal Cost	Total Cost
Youth Detention					
Misdemeanors	3%	649	15	\$ (181.90)	\$ (1,769,302)
Felonies (F-I)	15%	824	19	\$ (181.90)	\$ (2,862,051)
Felonies (A-E)	54%	572	14	\$ (181.90)	\$ (1,457,339)
Subtotal	n/a	2,045	n/a	n/a	\$ (6,088,692)
YDC Placement					
Misdemeanors	0.03%	8	251	\$ (254.90)	\$ (538,788)
Felonies (F-I)	3%	159	349	\$ (254.90)	\$ (14,171,044)
Subtotal	n/a	168	n/a	n/a	\$ (14,709,832)
Supervision (Probation)					
Misdemeanors	18%	4,484	360	\$ (8.06)	\$ (13,018,745)
Felonies (F-I)	32%	1,750	364	\$ (8.06)	\$ (5,137,492)
Subtotal	n/a	6,234	n/a	n/a	\$ (18,156,237)
Juvenile Programs					
Court Counselors		31,590	n/a	\$ (175)	\$ (5,528,250)
JCPCs	30.0%	9,161	n/a	\$ (1,400)	\$ (12,825,105)
ATDs (Misd.)	1.1%	278	45	\$ (26)	\$ (325,632)
ATDs (F-I)	6.4%	353	45	\$ (26)	\$ (413,037)
ATD Total	7.5%	631	90	\$ (26)	\$ (738,669)
ATPs (Misd.)	0.0%	4	n/a	\$ (15,000)	\$ (54,136)
ATPs (F-I)	1.2%	68	n/a	\$ (15,000)	\$ (1,024,781)
ATP Total	1.2%	72	n/a	\$ (15,000)	\$ (1,078,917)
Subtotal					\$ (20,170,941)
Total					\$ (59,125,702)

Figure D4: Criminal Justice System Costs and Benefits
per Annual Cohort of Youth Aged 16 and 17

	% Arrests	Place- ments	Length of Stay (Days)	Marginal (Cost)/ Benefit	Year 1 Benefit	Future Benefit	Net Present Value Benefit
Adult Jail							
Misdem.	19%	4,806	15	\$ 37.39	\$ 2,695,670	\$ 70,629	\$ 2,766,299
Felonies (F-I)	64%	3,543	80	\$ 37.39	\$ 10,597,639	\$ 536,100	\$ 11,133,738
Subtotal	n/a	8,349	n/a	n/a	\$ 13,293,309	\$ 606,729	\$ 13,900,038
Adult Prison							
Misdem.	0.24%	61	58	\$ 70.14	\$ 248,145	\$ 568,305	\$ 816,449
Felonies (F-I)	1%	75	161	\$ 70.14	\$ 849,161	\$ 1,614,194	\$ 2,463,355
Subtotal	n/a	136	n/a	n/a	\$ 1,097,305	\$ 2,182,498	\$ 3,279,804
Adult Supervision							
Misdem.	17%	4,226	227	\$ 2.48	\$ 2,373,448	\$ 62,591	\$ 2,436,038
Felonies (F-I)	40%	2,197	232	\$ 2.48	\$ 1,260,543	\$ 63,629	\$ 1,324,172
Subtotal	n/a	6,423	n/a	n/a	\$ 3,633,990	\$ 126,220	\$ 3,760,210
Total	n/a	n/a	n/a	n/a	\$ 18,024,604	\$ 2,915,448	\$ 20,940,052

Appendix E: Victim Benefits Calculations

Figure E presents how we calculated the victim benefits of raising the age. Rows two, three, and four show the number of felony and misdemeanor rearrests that can be expected for 16- and 17-year-olds in the adult system, the number of rearrests that can be expected in the juvenile system, and the difference between the two. The next row shows the percentage of crimes that are reported to the police. The sixth row contains the number of avoided victimizations, which are calculated by dividing the number of avoided re-arrests by the percentage of crimes reported to the police. The seventh row shows the victim cost per misdemeanor/felony, and the seventh and eighth rows show the total avoided costs as a result of the policy change. As the next row indicates, raising the age will avoid \$3,809,721 in victimization costs. These avoided costs are realized over a period of three years, so we discount the avoided costs from years two and three to the present using a 3 percent discount rate, resulting in a net present value of \$3,592,073.

Figure E: Avoided Victimization Costs
per Annual Cohort of Youth Aged 16 and 17

	Misdemeanors	Felonies (F-I)	Source(s)
Projected number of re-arrests			
Based on current recidivism rates	6,950	3,042	NC recidivism rates (Sentencing and Policy Commission); NC arrest rates (State Bureau of Investigation)
After policy change, assuming a 10 percent reduction in recidivism	6,255	2,745	n/a
Avoided re-arrests	695	297	n/a
Percent crimes reported to the police	40%	40%	National Crime Victimization Survey ³²
Total victimizations averted	1,724	737	n/a
Victim cost per misdemeanor/felony	\$ 500	\$ 4,000	McCollister et al (2010) and Cohen et al. (2009) ³³
Avoided victim costs for misdemeanor/felony	\$ 861,942	\$ 2,947,778	n/a
Total avoided victim costs	\$ 3,809,721		n/a
Total avoided victim costs (discounted at 3 %)	\$3,592,073		n/a

³² United States Department of Justice. Bureau of Justice Assistance (2009). *National Crime Victimization Survey*.

³³ McCollister, Kathryn E., French, Michael T.; Fang, Hai. (2010). *The Cost of Crime to Society: New Crime-Specific Estimates for Policy and Program Evaluation. Drug and Alcohol Dependence*. Volume 108, Issue 1, pp. 98-109. Cohen, Mark A. and Alex Piquero. (2009). New Evidence on the Monetary Value of Saving a High Risk Youth. *Journal of Quantitative Criminology*, Volume 25, pp. 25-49.

Appendix F: Youth Benefits Calculations

Figure F shows how we calculated benefits to youth. The top panel shows how we calculated the number of youth who will benefit from raising the age, and the bottom panel shows the additional earnings for each and for all of the youth.

Figure F: Youth Benefits Calculations
per Annual Cohort of Youth Aged 16 and 17

Number of 16 and 17 year olds who will benefit from the policy change	
Number of F-I felony convictions for 16- and 17-year-olds	4,276
Number of 16- and 17-year-olds who will be reconvicted of an F-I felony within 3 years, assuming a 47 percent reconviction rate (per data provided by the Sentencing Commission)	2,010
Number of 16- and 17-year-olds who will be reconvicted after 3 years, assuming 30 percent of those who are not reconvicted in the first 3 years will be ultimately reconvicted.	680
Number of 16- and 17-year-olds who will not have a criminal record as a result of raising the age	1,586
Additional earnings from not having a criminal record	
Average annual earnings for a person with a high school diploma	\$32,552
Additional earnings per person per year (13 percent of earnings)	\$4,232
Net present value of additional earnings over 35 years, assuming a 2 percent annual growth rate and a 3 percent discount rate.	\$85,683
Net present value of additional earnings over 35 years, assuming 72 percent of men with a high school degree alone are employed, a 2 percent annual growth rate, and a 3 percent discount rate.	\$61,691
Total additional earnings for 16- and 17-year-olds	\$97,857,916

Appendix G: Sensitivity Analysis

Sensitivity analysis provides information about the degree to which our cost-benefit analysis results are sensitive to changes in the underlying assumptions. Conducting a sensitivity analysis involves varying important or uncertain assumptions and then examining the impact that these changes have on the results. We focus here on the variables that are the most difficult to predict, such as the level of investment in juvenile diversion programs and the impact of the juvenile justice system on recidivism rates. We also investigate the impact that capital costs have on the net benefit of the investment.

Recidivism Rates

In this analysis, one of the variables that involves the most uncertainty is the change in recidivism rates among 16- and 17-year-olds resulting from the policy change. We assume that the recidivism rate will be 10 percent lower in the juvenile than in the adult system. Since research findings on recidivism rates among youth tried in juvenile and adult systems are mixed, and because recidivism rates can be affected by many factors, we conducted sensitivity analyses using 0, 20, 30, and 40 percent recidivism rates.

As Figure G1 shows, the larger the reduction in recidivism, the greater taxpayer and victim benefits will be, while benefits to youth remain constant. If recidivism rates decline by 30 percent, the investment will generate \$66.8 million in net benefits per annual cohort of youth, compared with \$52.3 million if recidivism rates decline by only 10 percent. Most notably, the sensitivity analysis indicates that, even in a scenario where there is zero reduction in recidivism, the policy change generates a net benefit of \$45 million resulting from the sizable youth benefits.

Figure G1: Sensitivity Analysis
Various Reductions in Recidivism Among 16- and 17-Year-Olds
Net Present Value in Millions

Reduction in Recidivism	0%	10%*	20%	30%	40%
Taxpayer Costs	(\$70.9)	(\$70.9)	(\$70.9)	(\$70.9)	(\$70.9)
Taxpayer Benefits	\$18.0	\$21.7	\$25.4	\$29.0	\$32.7
Victim Benefits	\$0	\$3.6	\$7.2	\$10.8	\$14.4
Youth Benefits	\$97.9	\$97.9	\$97.9	\$97.9	\$97.9
Net Benefit	\$45.0	\$52.3	\$59.5	\$66.8	\$74.1

* The cost-benefit analysis presented in the main body of the report assumes a recidivism reduction of 10 percent.

Investment in Juvenile Programs

One of the key assumptions in this cost-benefit analysis deals with the proportion of youth who will be diverted from detention and YDC placement. In the report, we assume that 30 percent of the 16- and

17-year-olds who would be detained are instead referred to an alternative-to-detention (ATD) program and that 30 percent of those who would be committed to a YDC are instead referred to an alternative-to-placement (ATP) program. This assumption is based on the guidance from the System Costs Work Group that the use of confinement should be minimized and reserved for youth who are most likely to reoffend right away and/or fail to appear in court. Figure G2 shows how sensitive the cost-benefit results are to different rates of diversion to ATDs and ATPs.

The top portion of Figure G2 illustrates the costs and benefits of raising the age when 0, 10, 20, and 30 percent of youth are placed in ATDs and ATPs. If no youth are sent to diversion programs, the taxpayer cost of the policy change will be \$77.1 million, and the net benefit will be \$46.2 million. If 30 percent are diverted, the taxpayer cost decreases to \$70.9 million and the net benefit increases to \$52.3 million. The taxpayer cost and the net benefits change because diversion programs are less expensive than detention centers and YDCs.

The bottom portion of Figure G2 shows the impact of different diversion rates on detention beds, YDC beds, and associated capital costs. If no youth are sent to diversion programs, 122 detention beds and 226 YDC beds will be needed. These numbers decrease to 92 detention beds and 158 YDC beds in a scenario where 30 percent of youth are sent to diversion programs.

As discussed in the report, YDC capacity could be expanded either through new construction (\$180,000 per bed) or by renovating existing off-line capacity (\$45,606 per bed). The costs of both options are also presented in Figure G2.

Figure G2: Sensitivity Analysis
Various Investments in Alternative Programs
Net Present Value in Millions

Diversion Rate to ATDs and ATPs	0%	10%	20%	30% *	40%
Cost-Benefit Analysis					
Taxpayer Costs	(\$77.1)	(\$75.1)	(\$73.0)	(\$70.9)	(\$68.8)
Law Enforcement	(\$7.9)	(\$7.9)	(\$7.9)	(\$7.9)	(\$7.9)
Courts	(\$3.9)	(\$3.9)	(\$3.9)	(\$3.9)	(\$3.9)
Youth Detention	(\$8.1)	(\$7.4)	(\$6.8)	(\$6.1)	(\$5.4)
Youth Commitment	(\$21.0)	(\$18.9)	(\$16.8)	(\$14.7)	(\$12.2)
Youth Supervision	(\$17.9)	(\$18.0)	(\$18.1)	(\$18.2)	(\$18.2)
Youth Programs	(\$18.4)	(\$19.0)	(\$19.6)	(\$20.2)	(\$20.8)
Taxpayer Benefits	\$21.77	\$21.75	\$21.72	\$21.70	\$21.67
Victim Benefits	\$3.67	\$3.65	\$3.62	\$3.59	\$3.57
Youth Benefits	\$97.9	\$97.9	\$97.9	\$97.9	\$97.9
Net Benefit	\$46.2	\$48.2	\$50.2	\$52.3	\$54.3
Capital Summary					
Beds					
Youth Detention	122	112	102	92	82
YDC	226	203	181	158	136
Capital Costs					
Youth Detention	\$13.3	\$12.2	\$11.1	\$10.0	\$8.9
YDC					
New Construction	\$40.6	\$36.6	\$32.5	\$28.5	\$24.4
Renovation	\$10.3	\$9.2	\$8.2	\$7.2	\$6.2

* The cost-benefit analysis presented in the main body of the report assumes a diversion rate of 30 percent.

Capital Costs

We also conducted a sensitivity analysis to examine how incorporating the capital costs associated with the policy change affects the cost-benefit results. Figure G3 shows cost-benefit results for three scenarios: the first, which is the scenario presented in the report, excludes the capital costs from the analysis; the second includes the costs of constructing new detention centers and renovating YDC facilities; the third includes the costs of constructing both new detention centers and new YDC facilities. As the figure illustrates, including the renovation and construction costs does not substantially affect the bottom line of the analysis. Even large capital expenditures have a minimal impact in the cost-benefit analysis because the cost of a facility is allocated across its 20-year useful lifespan.

Figure G3: Sensitivity Analysis
Cost-Benefit Analysis Inclusive of Capital/Renovation Costs
Net Present Value in Millions

	Excluding Construction/ Renovation Costs*	Includes the Costs of New Construction for Detention and Renovation for YDCs	Includes the Costs of New Construction for Both Detention and YDCs
Taxpayer Costs	(\$70.9)	(\$71.7)	(\$72.8)
Taxpayer Benefits	\$21.7	\$21.7	\$21.7
Victim Benefits	\$3.6	\$3.6	\$3.6
Youth Benefits	\$97.9	\$97.9	\$97.9
Net Benefit	\$52.3	\$51.4	\$50.3

* The cost-benefit analysis presented in the main body of the report excludes construction/renovation costs.

Appendix H: Taxpayer Costs and Benefits by Annual Cohort of Youth

This section discusses how taxpayer costs and benefits will occur over time and further explains the concept of the annual youth “cohort.” An outlay of \$70.9 million would be necessary every year; and this cost would be partially offset by \$18 million in benefits in the same year. In the subsequent three years (years two through four after the investment), justice system benefits would accrue due to lower victimization. Because the taxpayer benefits for each cohort end at year four, the costs and benefits from the taxpayer perspective are fully realized in year 4. Thus, the net taxpayer cost in year four (\$49.2 million) will persist into perpetuity. While the per cohort taxpayer and victims benefits are modeled to end four years after the investment, the youth benefits for each cohort will persist for 35 years, the duration of the cohort’s working life.

Cost-benefit analysis can be used to assess taxpayer—and therefore budget—costs, but CBA is distinct from a fiscal note in two ways. First, we present estimated annual costs by cohort and do not account for the fact that actual costs will “phase-in” over several years. That is, it will take more than one budget year to serve each cohort that enters the juvenile justice system in any given year. The costs and benefits in year one will actually extend across two fiscal years, resulting in a smaller budget impact in year one. Second, we do not account for rising government costs such as scheduled wage increases or other escalation factors.

Figure H1: Taxpayer Costs and Benefits by Year
Dollars in Millions

	Year 1	Year 2	Year 3	Year 4
Cohort 1				
Taxpayer Cost	(\$70.9)			
Taxpayer Benefit	\$18.0	\$1.3	\$1.2	\$1.2
Cohort 2				
Taxpayer Cost		(\$70.9)		
Taxpayer Benefit		\$18.0	\$1.3	\$1.2
Cohort 3				
Taxpayer Cost			(\$70.9)	
Taxpayer Benefit			\$18.0	\$1.3
Cohort 4				
Taxpayer Cost				(\$70.9)
Taxpayer Benefit				\$18.0
All Cohorts				
Taxpayer Cost	(\$70.9)	(\$70.9)	(\$70.9)	(\$70.9)
Taxpayer Benefit	\$18.0	\$19.3	\$20.5	\$21.7
Net Taxpayer Cost	(\$52.9)	(\$51.6)	(\$50.4)	(\$49.2)

APPENDIX E:

Work Group Membership Lists

Legal Issues Work Group

Task Force Member	Representing
Sen. Eleanor Kinnaird (Co-Chair)	NC Senate
Rep. Shirley Randleman (Co-Chair)	NC House of Representatives
Hon. James Woodall	District Attorneys
Hon. Bradley Letts	Superior Court Judges
Secretary Reuben Young	Crime Control & Public Safety
June Atkinson	DPI
Eric Zogry	Juvenile Defender
Additional Members	Representing
Janet Mason/Co-Facilitator	UNC School of Government
Tamar Birckhead/Co-Facilitator	UNC School of Law
Sen. Floyd McKissick	NC Senate
Rep. Annie Mobley	NC House of Representatives
Hon. Marcia Morey	District Court Judge
Hon. Beth Keever	District Court Judge
Kathy Dudley	DJJDP
Dr. Martin Pharr	DJJDP
John Madler	Sentencing Commission
David Lagos	Sentencing Commission
Jo McCants	AOC
Gail Dawson	Attorney General's Office
Lillian Salcines-Bright	ADA-Pender/New Hanover
Katie Cornetto	DPI
Chief Frank Palombo	Law Enforcement
Jim Drennan	UNC School of Government
Ike Avery	Former Special Deputy to the Attorney General
Dr. Shari Miller	Research Triangle Institute

Programs and Benefits Work Group

Task Force Member	Representing
Sen. Edward Jones (Co-Chair)	NC Senate
Rep. Sandra Spaulding Hughes (Co-Chair)	NC House of Representatives
Sec. Linda Hayes	DJJDP
Dep. Sec. Maria Spaulding	Department of Health & Human Services
Al Deitch	Department of Administration
Sandra Reid	Governor's Crime Commission
Maxine Evans-Armwood	DJJDP/Chief Court Counselors
Additional Members	Representing
Sandy Pearce/Co-Facilitator	AOC
Stephanie Nantz/Co-Facilitator	Youth Advocacy and Involvement Office
Rep. Larry Bell	NC House of Representatives
Hon. Mark Galloway	Chief District Court Judge--Person and Caswell
Teresa Price	DJJDP
Mike Rieder	DJJDP
Karen Calhoun	Sentencing Commission
Dr. Steven Moody	DOC/DOP
Cindy Williamson	DPI
Sonya Brown	DHHS
Brandy Bynum	Action for Children
Sheriff Lindy Pendergrass	Law Enforcement
Arnold Dennis	NCCU Juvenile Justice Institute
Dr. James C. Howell	Criminologist
Dr. Anne-Marie Iselin	Duke Center for Child & Family Policy
Jon Powell	Juvenile Justice Mediation Program- Campbell University School of Law
Susan Richardson	Kate B. Reynolds Trust/NC Contact for Reclaiming Futures Grants
John Cox	Juvenile Crime Prevention Council member
Demetris Burke	Youth Minister
Maj. Charles Blackwood	Orange County Sheriff's Office
Catherine Goldsmith	DHHS, Division of Medical Assistance

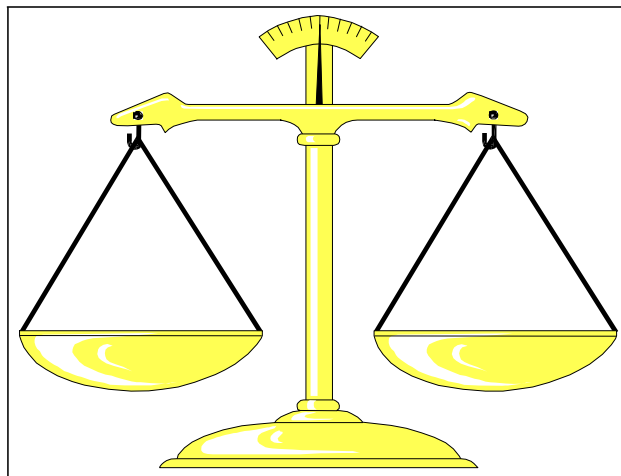
System Costs Working Group

Task Force Member	Representing
Rep. Alice Bordsen (Co-Chair)	NC House of Representatives
Sen. Stan Bingham (Co-Chair)	NC Senate
Hon. Charlie Brown	NC Sentencing Commission
Sec. Alvin Keller	DOC
Sr. Dep. Director Gregg Stahl	AOC
Chief Tom Bergamine	Police Chiefs
Stan Clarkson	DJJDP/Chief Court Counselors
Additional Members	Representing
Dr. Mario Paparozzi/ Co-Facilitator	UNC-Pembroke
Dr. Robin Jenkins	DJJDP
David Jones	DJJDP
Susan Katzenelson	Sentencing Commission
Marlee Moore	Sentencing Commission
Chloe Gossage	AOC
Brad Fowler	AOC
Doug Yearwood	Governor's Crime Commission
Jonathan Williams	Alcoholic Beverage Control Commission
Dr. Joel Rosch	Duke Center for Child & Family Policy
Anthony Allen	County Commissioner's Association
Lao Rubert	Carolina Justice Policy Center
Dr. Ken Wilson	East Carolina University

APPENDIX F:

**North Carolina Sentencing and Policy Advisory Commission
Report on Youthful Offenders
March 2007**

NORTH CAROLINA SENTENCING AND POLICY ADVISORY COMMISSION



***REPORT ON STUDY OF YOUTHFUL OFFENDERS
PURSUANT TO SESSION LAW 2006-248, SECTIONS
34.1 AND 34.2***

***SUBMITTED TO THE 2007 SESSION OF THE
NORTH CAROLINA GENERAL ASSEMBLY
MARCH 2007***

**THE HONORABLE W. ERWIN SPAINHOUR
CHAIRMAN**

**SUSAN KATZENELSON
EXECUTIVE DIRECTOR**

**NC SENTENCING AND POLICY ADVISORY COMMISSION
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NC Association of County Commissioners

Judge H. Paul McCoy, Jr.
NC District Court Judges' Association

Dr. David Barlow
Professor, Fayetteville State University

Judge Douglas J. McCullough
NC Court of Appeals Designee

Sheriff Hayden Bentley
NC Sheriffs' Association

Moe McKnight
NC Retail Merchants' Association

Vacant
State Representative

Luther T. Moore
Lieutenant Governor's Appointee

Locke T. Clifford
NC Bar Association

Judge Fred G. Morrison, Jr.
Justice Fellowship

William A. Dudley
*NC Dept. of Crime Control & Public Safety
Designee*

Chief Frank Palombo
NC Association of Chiefs of Police

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Judge Ronald K. Payne
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Hon. R. Phillip Haire
State Representative

Sherry Pilkington
NC Department of Correction Designee

Donn Hargrove
*NC Department of Juvenile Justice and
Delinquency Prevention*

Cathy B. Purvis
NC Victim Assistance Network

William P. Hart
NC Attorney General's Designee

June Ray
NC Association of Clerks of Superior Court

Mary Y. "Larry" Hines
Private Citizen, Governor's Appointee

Lao E. Rubert
NC Community Sentencing Association

Hon. Robert F. Johnson
NC Conference of District Attorneys

Billy J. Sanders
Commission Chairman's Appointee

Hon. Carolyn K. Justus
State Representative

Hon. Scott Thomas
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Hon. John Kerr
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NORTH CAROLINA SENTENCING AND POLICY ADVISORY COMMISSION

REPORT TO THE NORTH CAROLINA GENERAL ASSEMBLY

In compliance with

SESSION LAW 2006-248, SECTIONS 34.1 AND 34.2

March 2007

I. INTRODUCTION

MANDATE

The North Carolina Sentencing and Policy Advisory Commission established the Youthful Offender Subcommittee at its September 23, 2005, meeting in response to a request from Representative Alice Bordsen to study issues related to youthful offenders. The request was formalized through Session Law 2006-248, Sections 34.1 and 34.2 entitled “Study Youthful Offenders.” This legislation mandated the following:

The North Carolina Sentencing and Policy Advisory Commission may study issues related to the conviction and sentencing of youthful offenders aged 16 to 21 years, to determine whether the State should amend the laws concerning these offenders, including, but not limited to, revisions of the Juvenile Code and/or the Criminal Procedure Act that would provide appropriate sanctions, services, and treatment for such offenders. In conducting the study, the Commission may review the laws concerning juveniles and youthful offenders from the federal government, other states, and the relevant North Carolina laws and programs. The Commission shall consult with the Department of Correction, the Department of Health and Human Services, the Department of Juvenile Justice and Delinquency Prevention, and the Department of Public Instruction in conducting the study. (Session Law 2006-248, Section 34.1.)

The Commission shall submit a final report, along with any recommended legislation, by March 1, 2007, to the 2007 General Assembly. (Session Law 2006-248, Section 34.2.)

PROCESS

The Youthful Offender Subcommittee met six times: November 4, 2005, and January 13, March 31, June 23, August 25, and October 6, 2006. The Subcommittee decided to follow the processing of youthful offenders through the various decision points in North Carolina’s criminal justice system, starting with jurisdictional issues. Members received statistical information on youthful offenders aged 16-21 and programs and services available to this age group within the Department of Correction (DOC). Given the fact that some of the youthful offenders have been transferred from the juvenile court, members heard about the history and process of the juvenile justice system as well. Other presentations to the Subcommittee included the stages of development in youth, jurisdictional mechanisms used by North Carolina and other states that open up the options for youth involvement in

the juvenile and/or adult criminal justice systems (*e.g.*, transfer, reverse waiver, blended sentencing), and effective programming strategies for youth. The DOC and the Department of Juvenile Justice and Delinquency Prevention (DJJDP) gave presentations at two of the meetings. The Commission also consulted with the Department of Health and Human Services and the Department of Public Instruction on their programs and services relative to youthful offenders.

This report represents a compilation of the discussions and presentations that occurred during the course of the Subcommittee's work. Following the Introduction, Section II of the report provides a short summary of the recommendations presented to the General Assembly by the Commission. Section III gives an overview of the current laws and policies as well as some statistical information relative to youthful offenders in North Carolina. Section IV lists the recommendations accompanied by detailed commentaries. Finally, the Appendices offer additional information that supplements the main body of the report.

II. SUMMARY OF RECOMMENDATIONS

The North Carolina Sentencing and Policy Advisory Commission, in response to the mandate contained in Session Law 2006-248, Sections 34.1 and 34.2, presents the following as recommendations to be considered by the General Assembly:

- 1. Increase the age of juvenile jurisdiction to persons who, at the time they commit a crime or infraction, are under the age of 18. Traffic offenses committed by persons 16 and older will remain within the jurisdiction of the adult criminal courts.**
- 2. Delay the implementation of the change in juvenile jurisdiction by two years after passage of the bill and create a task force to analyze legal, systemic and organizational changes required; to determine necessary resources; and to produce a detailed road map for implementation of the new law. The task force should include but not be limited to representatives of the Administrative Office of the Courts, the Department of Juvenile Justice and Delinquency Prevention, the Department of Correction, the Department of Health and Human Services, the Department of Public Instruction, the Department of Crime Control and Public Safety/Governor's Crime Commission, and the North Carolina Sentencing and Policy Advisory Commission.**
- 3. Retain the current criteria and process for transfer of alleged juvenile offenders to Superior Court for trial as adults.**
- 4. Adopt a post-conviction procedure for juveniles transferred to and convicted in Superior Court by which the Court, in lieu of imposing a criminal sentence, may return the offender to the exclusive jurisdiction of the District Court for entry of a juvenile disposition. (The General Assembly may wish to consider excluding certain offenses or offense classes from eligibility for this process.)**
- 5. Adopt a youthful offender status for sentencing of misdemeanors and low-level felonies in adult court, such that a sentencing judge may, upon plea or verdict of guilt, impose for offenders under 21 a period of special supervised probation that, if successful, would result in discharge of the defendant, dismissal of the charge, and eligibility for expunction of the records of arrest and prosecution.**

III. YOUTHFUL OFFENDERS IN NORTH CAROLINA

During its study of youthful offenders, the Sentencing Commission examined the laws governing the treatment of such offenders at all stages of the criminal justice process. There are few statutory considerations for youthful offenders that distinguish their handling from other adult offenders in North Carolina. This section gives a brief overview of the juvenile and adult criminal justice systems, and provides a description of the situations in which the criminal justice process differentiates the processing and treatment of youthful offenders from other adults (*see* Appendix A).

To distinguish them from offenders within the jurisdiction of the juvenile courts (for offenses committed prior to age 16), this report uses “adult” to mean persons 16 or older. “Adult” therefore includes legal minors (ages 16 and 17), young adult offenders (18 to 21) and adults over 21 as a single group within the original jurisdiction of the adult criminal courts. “Youthful offenders” refers only to offenders who commit offenses between their 16th and 21st birthdays, and juveniles transferred from the juvenile courts for trial as adults (but *see* “Corrections,” below, for the age range for “youthful offenders” in the DOC).

JUVENILE VERSUS CRIMINAL JURISDICTION

The juvenile courts of North Carolina have exclusive jurisdiction over juveniles alleged to be delinquent (though limited for certain cases in which the court does not initiate proceedings before the juvenile ‘ages out’ of its jurisdiction). N.C.G.S. 7B-1601 (2001). A “juvenile” is defined as any person under the age of 18 who is not married, emancipated, or a member of the armed forces, but “delinquent juvenile” is limited to persons between the ages of 6 and 16 who commit crimes or infractions. N.C.G.S. 7B-1501 (2001). Delinquency jurisdiction has been vested in the juvenile courts since the inception of a distinct juvenile justice system in North Carolina in the early 20th century (*see* Appendix A.2).

The age of an offender at the time of his or her offense determines which court has jurisdiction. Therefore persons under the age of 16 who commit crimes or infractions are, with limited exceptions, handled initially in the juvenile justice system. Persons who commit offenses after their 16th birthdays are treated as adults and tried in the criminal courts, though some rights and procedures established in the Juvenile Code for juveniles (under 18) continue to apply to those offenders even during their prosecution as adults.

Some juveniles alleged to be delinquent may be transferred to the Superior Court for trial as adults. Any juvenile 13 years of age or older who is alleged to have committed a felony may be transferred for trial as an adult; a juvenile alleged to have committed a Class A felony at age 13 or older must be transferred if probable cause is found. N.C.G.S. 7B-2200 (1998). If a juvenile is convicted in Superior Court, any future offenses committed by the juvenile will be excluded from the juvenile courts regardless of the offender’s age at the time of the new offense. Transferred juveniles from 13 to 15 are treated the same as any other defendant in the criminal courts, subject to the few provisions for youthful offenders described below.

Some youthful offenders are under the simultaneous jurisdiction of both the juvenile and criminal justice systems. An offender adjudicated as a juvenile delinquent remains under the jurisdiction of the juvenile courts until his or her 18th birthday, unless jurisdiction is terminated sooner by an order of

the court. Jurisdiction of the juvenile court extends to age 19 for juveniles adjudicated delinquent for felonies in classes B1 through E and to age 21 for first-degree murder, rape, or sexual offense. N.C.G.S. § 7B-1602 (2001). Therefore a juvenile under the jurisdiction of the juvenile courts who commits a new offense after his or her 16th birthday would be prosecuted as an adult in the criminal courts while still under the jurisdiction of the juvenile justice system; prosecution as an adult does not terminate juvenile court jurisdiction automatically.

INVESTIGATION AND CHARGING

Several statutes account for youth in the pre-trial stages of prosecution. A minor is entitled to the notice, presence and protection of his or her parent and/or attorney when taken into custody or interrogated by law enforcement officials. Juveniles also are “conclusively presumed to be indigent” and therefore entitled to the appointment of counsel to represent them, unlike adults who must prove their indigent status to qualify for appointed counsel. N.C.G.S. 7B-2000(b) (2000). However, youthful offenders are given almost no statutory consideration for their age in the ultimate decision to charge them with crimes (with one exception that limits how youthful convictions may be counted for status as an habitual felon).

Finally, although the statutes governing bail do not provide specifically for youthful offenders in determining the conditions of pre-trial release, several factors for consideration may be impacted indirectly by a defendant’s youth, including: family ties, employment, financial resources and record of prior convictions.

TRIAL AND SENTENCING

Other than the automatic entitlement to counsel described above, North Carolina makes no provision for youthful offenders during the trial stages of a criminal proceeding that differentiate them from older adults.

There also are no mandatory considerations for youth under Structured Sentencing. North Carolina previously provided statutory consideration for the sentencing of youthful offenders in the former Committed Youthful Offender code, but that code was repealed with the enactment of the Structured Sentencing Act.¹ Under Structured Sentencing the only considerations for youth are in felony sentencing, in which the court may find as a mitigating factor a defendant’s age or immaturity or that he is a “minor with reliable supervision available.” N.C.G.S. 15A-1340.16(e) (2005).

North Carolina provides some consideration for a defendant’s age in capital sentencing. N.C.G.S. 14-17 (2004) specifies that capital punishment is not permitted for offenses committed by persons under the age of 17, except in very limited circumstances. This prohibition was superseded in 2005 by the U.S. Supreme Court, which held that capital punishment is unconstitutional for an offense committed while a defendant was under the age of 18. *Roper v. Simmons* 543 U.S. 551, 125 S. Ct. 1183, 161 L. Ed. 2d 1 (1 Mar 2005). For youthful offenders over 18 still eligible for capital punishment, the

¹ The Committed Youthful Offender code, N.C.G.S. 148-49.1, *et seq.* (repealed), allowed early parole for youthful offenders, but Structured Sentencing abolished parole for offenses committed on or after October 1, 1994. As of September 2005, DOC still had custody of 159 inmates sentenced as committed youthful offenders for offenses committed prior to Structured Sentencing.

“age of the defendant” may be taken into account as a mitigating circumstance that weighs against imposition of the death penalty, but the statute does not set a specific age below which a defendant qualifies for the mitigating circumstance and the North Carolina Supreme Court has held that “chronological age is not the determinative factor” for such mitigation. *State v. Oliver*, 309 N.C. 326, 307 S.E.2d 304 (1983).

CORRECTIONS

As with previous stages of the criminal justice process, there are few statutory considerations for youth in the custody or under the supervision of DOC. The only strict statutory prohibition on the handling of youthful offenders is that female inmates under the age of 16 may not be given a work assignment while incarcerated. N.C.G.S. 148-27 (1967). Other statutes provide that DOC shall give priority of resources for educational, vocational or technical training to certain inmates under 21 with relatively short sentences, that surgery may not be performed on a minor inmate without the consent of a parent or guardian, and that inmates may not be imprisoned in Central Prison while under the age of 16 except in limited circumstances. N.C.G.S. 148-22.1 (2005), 148-22.2 (2004) and 148-28 (1977), respectively. With few statutory requirements to govern the handling of youthful offenders, DOC has adopted a number of policies to provide for them.

DOC’s primary policy for youthful offenders pertains to its definition of this offender group within the prison population. Currently, DOC defines youthful inmates as being between the ages of 13 and 25. The lower part of the age range contains juveniles between 13 and 15 charged with felonies and transferred to the criminal court system for trial as adults. Due to a decline in the number of prison admissions for youthful offenders over the last several years, DOC has increased the upper age range for youthful offenders from 21 to 25.

Another DOC policy designates certain facilities for youthful inmates, especially those incarcerated for felonies. As of 2006, there are five facilities that house these youth: Foothills Correctional Institution, Morrison Correctional Institution, North Carolina Correctional Institution for Women, Polk Correctional Institution, and Western Youth Institution. Youthful males who are convicted of felonies are incarcerated in facilities separate from those housing male felons 25 and older. Male felons and misdemeanants under the age of 19 are processed and incarcerated at Western. Males aged 19-25 who receive active sentences for misdemeanors may be housed in the same minimum custody prisons with adult male misdemeanants.

In general, the same programming available for adult offenders within the prison system is also offered to some degree for youthful offenders, especially in the areas of academic education and social skills. There are three programs that are designed for youthful offenders (although not offered at all prisons that house youth) to address post-secondary education needs, chemical dependency, and employability. Within the prisons that serve youthful offenders, there is limited programming which deals with mental health issues and vocational education needs.

Regarding youthful probationers, the Division of Community Corrections (DCC) within DOC does not group caseloads according to age, but rather by various supervision levels based on the seriousness of their offense, risk to the community, criminogenic needs, and by certain offense types.

The majority of the programs offered by DCC are directed at the broader probation population and not at specific age groups.

EXPUNCTION

The one feature of North Carolina's criminal justice system that provides exclusively for youthful offenders is the expunction of records of conviction (*see* Appendix A.3). Records of juvenile proceedings are confidential, and persons adjudicated delinquent may petition for expunction of their juvenile records upon reaching age 18 and after termination of the juvenile court's jurisdiction. Adult offenders convicted of misdemeanors (except for traffic offenses), underage possession of alcohol, and certain low-level offenses involving the possession of controlled substances and drug paraphernalia may petition the court to expunge the records of arrest, trial, and conviction, but only if the offenses were committed prior to age 18 (misdemeanors) or 21 (possession of alcohol), N.C.G.S. 15A-145 (2005), or age 22 (low-level possession of drugs or paraphernalia). N.C.G.S. 90-96 (2002). While defendants of any age may petition the court to expunge records of arrest and trial when they are acquitted or later exonerated, only youthful offenders described above are entitled to expunction of actual convictions.

YOUTHFUL OFFENDER STATISTICS AND RECIDIVISM RATES

Based on adult court data for offenders convicted in FY 2004/05, close to 6% of all offenders were age 16 or 17 at the time of their offenses – 1,612 of the 28,734 felons and 9,786 of the 163,324 misdemeanants (*see* Appendix Tables B-1 and B-6). While felons aged 16 or 17 at the time of their offenses were more likely to be convicted for violent felonies (16% compared to 12% for all felons, Appendix Table B-2), they were considerably less likely to have prior criminal records (35% had a prior record compared to 76% for all felons, Appendix Table B-4). Finally, they were also less likely to receive active sentences than all felons (25% compared to 37%, respectively, Appendix Table B-5).

Recidivism rates were examined in a separate Sentencing Commission study for a sample of 57,973 offenders released from prison or placed on probation during FY 2001/02 (*see* Appendix Table B-9). Rearrest rates after a three-year follow-up period were the highest at 46% for youthful offenders aged 16 or 17 at the time of their commitment to the DOC, compared to a rearrest rate of 38% for the entire sample. Youthful offenders, whether on probation or following incarceration, had the highest failure rates not only for rearrests, but also for reconvictions, reincarcerations, and probation revocations.

IV. RECOMMENDATIONS

The North Carolina Sentencing and Policy Advisory Commission, in response to the mandate contained in Session Law 2006-248, Sections 34.1 and 34.2, presents the following as recommendations to be considered by the General Assembly:

- 1. Increase the age of juvenile jurisdiction to persons who, at the time they commit a crime or infraction, are under the age of 18. Traffic offenses committed by persons 16 and older will remain within the jurisdiction of the adult criminal courts.**

Commentary:

(a) North Carolina is one of only three states (with New York and Connecticut) where the age of adult jurisdiction is 16 – in ten of the states the age is 17, and in the remaining 37 states and the District of Columbia, the age is 18 (*see* Appendix C.1). This majority model is a recognition of the slow maturation process of juveniles and the concomitant need for society to allow for some second chances for this group while providing them with a balance of punishment and treatment in a separate and more rehabilitative system. A significant volume of scientific evidence on stages of human development points to immaturity and its effect on reduced criminal culpability in youth up to age 18 and beyond, well into their 20's. (*See* Appendix C.2.) At least four areas of developmental immaturity may bear directly on the criminal culpability of youth: impaired risk perception, foreshortened time perspective, greater susceptibility to peer influence, and reduced capacity for behavioral control. In recognition of these facts, some states also provide additional consideration for youthful offenders (those over 17 or 18) in the adult criminal justice system. Changing the age of jurisdiction would bring North Carolina in line with the rest of the United States in the way the state processes, adjudicates, and treats its juvenile residents.

Two major considerations lead to the recommendation to leave the age of adult jurisdiction for traffic offenses unchanged: the complexity of resolving the public record issues between juvenile courts and the state's Division of Motor Vehicles, and the resources involved in transferring a large volume of traffic offenses into the juvenile courts. The Commission suggests that the topic of 16 and 17 year old traffic offenders be examined at a later date.

(b) The programming and rehabilitative needs of juveniles, including those between the ages of 16 and 18, are better met within a treatment-oriented environment. Age-specific programming tailored to identify the risk factors faced by adolescents has more evidence-based success in treating court-involved youth and reintegrating them into the community, thereby improving individual lives and reducing the future risk to public safety. (For recidivism rates of youthful offenders in North Carolina, *see* Appendix Tables B-9 and B-10.)

Effective programs should be implemented for youthful offenders, irrespective of whether they remain in the adult criminal justice system or are shifted to the juvenile justice system. Selection of specific programs should be based on two important considerations: program effectiveness and long term program costs/benefits. A growing body of information is available on strategies found to be successful in dealing with (or reducing recidivism for) youthful offenders (*see* Appendix C.3). These strategies focus on areas that have not been fully developed in this age group such as moral reasoning,

problem solving, social skills, and impulse control. Research findings also highlight strategies that have not significantly reduced recidivism, such as specific deterrence programs, boot camp, programs with large groups of high-risk youth, individual counseling, certain types of residential programs, and drug testing without treatment.

In evaluating the cost/benefit balance of programs, short-term costs must be weighed, especially with this age group, against long-term benefits such as reduced future recidivism, gainful employment, or reduced substance abuse. (For a detailed analysis of costs/benefits, see the table from the Washington State Institute for Public Policy Study in Appendix C.3).

(c) The recommended change in age of juvenile jurisdiction clearly would have a systemic impact on the judiciary, executive branch agencies, and local governments, as well as large-scale implications on resources – and their redistribution – among these entities. Dealing with the 16 through 18 age groups involves a complex net of laws, processes and services, and any change would impact both state agencies and local governments.

2. Delay the implementation of the change in juvenile jurisdiction by two years after passage of the bill and create a task force to analyze legal, systemic and organizational changes required; to determine necessary resources; and to produce a detailed road map for implementation of the new law. The task force should include but not be limited to representatives of the Administrative Office of the Courts, the Department of Juvenile Justice and Delinquency Prevention, the Department of Correction, the Department of Health and Human Services, the Department of Public Instruction, the Department of Crime Control and Public Safety/Governor's Crime Commission, and the North Carolina Sentencing and Policy Advisory Commission.

Commentary:

(a) Phase-in: Implementation of the change in age of juvenile jurisdiction is a complex process and needs careful attention. Factors for consideration include the shift in population from the adult to the juvenile system, infrastructure and procedural changes, personnel requirements, and resources. Implementation should be delayed by two years after the passage of the bill to allow a task force to work out the details and develop a road map to be followed.

(b) Task Force: A multi-agency task force should be formed to plan the implementation of the change in age. The task force would conduct an impact analysis, which would include a plan for the transition of 16 and 17 year old offenders into the juvenile system and the identification of necessary resources. Members of the task force (see recommended composition above) may consult with other agencies as they see fit. Consideration should be given by the General Assembly as to the timeline for the task force to complete the road map, so that affected agencies are given sufficient time to implement the plan.

(c) Resources: The scope of this report addresses the resources needed for the population shift that would occur with a change in the age of juvenile jurisdiction. The resource estimates that follow relate only to youthful offenders aged 16 and 17 at the time of their conviction and commitment to the DOC. It is recognized that the need for resources extends beyond these estimates. For example, court

costs, law enforcement and jail resources, and services within the community will need to be studied and planned for by the aforementioned task force.

To estimate the population shift that would occur if a change in the age of juvenile jurisdiction was made, two samples were examined: juvenile court complaints filed and adult court data of youthful defendants charged with felonies and misdemeanors from January to December 2004. From the juvenile data it was determined that 25,186 delinquent complaints were filed, with an adjudication rate of 38.5% or 9,684 of those complaints adjudicated (*see* chart in Appendix D). Applying this adjudication rate to the 32,926 youthful offenders aged 16 and 17 charged in the adult system in 2004, it was estimated that 12,767 offenders aged 16 and 17 would have been adjudicated in the juvenile system (or 5,794 for 16 year olds only).

Resentencing scenarios were applied to convicted 16 and 17 year old youthful offenders sentenced in the adult system, assuming they were processed, adjudicated, and disposed in the juvenile justice system. Under the summary resentencing scenario for offenders aged 16 and 17 (Appendix Table D-4), 74% (n=8,883) would have been sentenced to a community level disposition, 22% (n=2,712) would have been given an intermediate level disposition, and 4% (n=423) would have been committed to a youth development center. Using the same scenario for 16 year olds only, 75% (n=4,049) would have been sentenced to a community level disposition, 22% (n=1,187) to an intermediate disposition, and 3% (n=164) to a youth development center.

Moving these 16 and 17 year old offenders into the juvenile system would result in a savings for the DOC of 1,062 prison beds: 497 for active sentences and 565 for probation revocations (or 191 for active sentences and 252 for probation revocations for 16 year olds only). It would also reduce the number of supervision slots needed by 10,935: 1,785 slots for intermediate supervision and 9,150 slots for community supervision (or 741 slots for intermediate supervision and 4,214 community supervision slots for 16 year olds only) (*see* Appendix Table D-6).

3. Retain the current criteria and process for transfer of alleged juvenile offenders to Superior Court for trial as adults.

Commentary:

Although the Commission discussed the possibility that 13 is too young for a juvenile to assume adult responsibility for criminal actions, the Commission ultimately felt that maintaining the current transfer mechanism (*see* Appendix E.1) was important as a safeguard to public safety in appropriate cases.

4. Adopt a post-conviction procedure for juveniles transferred to and convicted in Superior Court by which the Court, in lieu of imposing a criminal sentence, may return the offender to the exclusive jurisdiction of the District Court for entry of a juvenile disposition. (The General Assembly may wish to consider excluding certain offenses or offense classes from eligibility for this process.)

Commentary:

The Commission debated the merits of reverse waiver, a process by which juveniles transferred to adult criminal courts for trial as adults could be transferred back to the juvenile courts for disposition of their cases as juvenile matters (see Appendix E.1). Reverse waiver provides transferred juveniles with a second review of whether or not their cases merit treatment as adult crimes with adult consequences. The Commission noted that the District Courts in North Carolina currently have an adequate process for making initial determinations about which cases merit transfer, but that the only method of reviewing and reversing transfer orders is by appeal on a narrow legal standard. Evidence presented during the Superior Court proceeding might indicate that the offender would be more likely to benefit from the services of the Department of Juvenile Justice and Delinquency Prevention, but presentation of evidence requires commencement of the trial or plea process, at which point appeal of the transfer is no longer possible and the attachment of jeopardy prevents dismissal and re-filing of the case as a juvenile matter. The Commission therefore recommends adoption of a post-conviction process for disposition of appropriate cases. The juvenile disposition would be imposed as if there had been an adjudication of delinquency for the same offense(s) for which the offender was convicted in Superior Court. The Commission does not recommend that the Superior Court's record of proceedings be expunged or made confidential.

As part of its discussion of reverse waiver, the Commission also discussed various models of blended sentencing, including the Sentencing Commission's 1999 recommendation that blended sentencing not be adopted in North Carolina. The Commission reviewed the merits and weaknesses of each model of blended sentencing and decided again not to recommend their adoption.

- 5. Adopt a youthful offender status for sentencing of misdemeanors and low-level felonies in adult court, such that a sentencing judge may, upon plea or verdict of guilt, impose for offenders under 21 a period of special supervised probation that, if successful, would result in discharge of the defendant, dismissal of the charge, and eligibility for expunction of the records of arrest and prosecution.**

Commentary:

Criminal conviction has long-term consequences for a youthful offender's future prospects in areas like education, employment and military service. The members examined expunction of records in particular as a mechanism for relieving a first offender of the stigma of a criminal record, but noted that North Carolina's current expunction statutes required long waiting periods after conviction before offenders could petition the courts for relief. The waiting period (two years for most expunctions, one year for low-level drug possession) often impeded offenders' ability to pursue education or employment because of the convictions on their records in the interim. The Commission felt that adoption of a youthful offender status for sentencing that avoided entry of an actual conviction would provide more effective relief, in that offenders could answer honestly that they had not been "convicted" of a crime when applying for education or employment while still demonstrating their rehabilitation through compliance with the supervised probationary conditions until discharge and expunction. Offenders who violated the terms of the special supervised probation, having already pled or been found guilty, could be brought back before the court for imposition of sentence without significant additional trial expense. The youthful offender status would be limited to youth convicted of misdemeanors and felonies in Classes H and I, excluding violent felonies and any offenses that require registration as a sex offender. (The complete elements of the proposed youthful offender status are outlined in Appendix F of this report.)

APPENDICES

- A.1 Comparison of Juvenile to Criminal Processes for Youthful Offenders in North Carolina
- A.2 History of Juvenile Court in North Carolina
- A.3 Expunction in North Carolina
- B. Statistical Profile of Youthful Offenders in North Carolina
- C.1 Age at Which Offender Enters Adult Court Jurisdiction in the U.S.
- C.2 Stages of Development and Jurisprudence
- C.3 Successful National Programs for Youthful Offenders
Examples of Effective Prevention and Intervention Strategies and Programs for High-Risk and Delinquent Youth
Summary of Benefits and Costs (2003 Dollars)
- D. Projected Resource Shifts for Change in Age of Adult Jurisdiction
- E.1 Transfer and Reverse Waiver
- E.2 Blended Sentencing Models
- F. Youthful Offender Status – Proposed

Appendix A.1
Comparison of Juvenile to Criminal Processes for Youthful Offenders in North Carolina

JUVENILE	CRIMINAL
Jurisdiction (Age) Ages 6 to 15 At ages 13 – 15, charge of first-degree murder must be transferred to Superior Court for trial as an adult; transfer for any other felony is in the court’s discretion. Extended jurisdiction can continue until 19 or 21 for those adjudicated of certain offenses.	Jurisdiction (Age) Age 16 and older is “adult” for criminal purposes. Juveniles convicted as adults in Superior Court are prosecuted as adults for any subsequent criminal offenses, regardless of offense class. Can lead to duplicate jurisdiction, when juveniles adjudicated delinquent and still under jurisdiction of the juvenile court commit “adult” offenses after 16.
Terminology Terminology is unique to the system. Terms reflect the therapeutic principles of the juvenile system.	Terminology No special terminology applicable only to youth; “criminal” applies equally to convicted offenders.
Juvenile Process Process permits wide discretion by officials involved, from the court counselor’s initial diversion decision when a complaint is filed, to the judge’s imposition of disposition from the Juvenile Disposition Chart. Emphasizes speedy disposition and alternatives to secure custody (incarceration) prior to adjudication. Frequent review of secure custody prior to adjudication hearing is mandatory, but no bail. Juveniles are presumed indigent and entitled to appointed counsel; parents/guardians are responsible for attorney fees if juvenile is adjudicated delinquent.	Criminal Process Little discretion for officials in the criminal process. State’s discretion is limited to selection of charge, dismissal, and plea negotiations. Judicial discretion is limited during sentencing, with few considerations for youthful offenders. Youth are entitled and subject to the same pre-trial release laws as all adults, including bail. No automatic, periodic review of the conditions of release for defendants in pre-trial detention. Youth under 18 retain the presumption of indigency. No such provision for defendants ages 18-21. Parents/guardians remain responsible for attorney fees for convicted offenders under 18, and those over 18 but still dependent on the parent.

JUVENILE	CRIMINAL
Disposition Purposes of disposition emphasize meeting the needs of the juvenile – treatment, training, and rehabilitation – in addition to public safety and accountability. “Accountability” includes that of the parents/guardians, in addition to that of the juvenile. Adjudication of delinquency is via trial by judge, only; there are no jury trials in juvenile court.	Sentencing Purposes of sentencing address rehabilitation as one purpose among equals: public safety, deterrence, punishment commensurate with injury, and assisting rehabilitation and restoration as a lawful citizen. Minimal consideration for involvement of others responsible for the defendant. Disposition of criminal charges in Superior Court is by jury trial or plea only; there are no bench trials in criminal court.
Commitment Commitments of delinquent juveniles to Youth Development Centers can be for indefinite duration, with discretion of the court to allow confinement other than in a YDC upon recommendation from DJJDP. Commitment may continue to age 19 or 21, depending on the offense of adjudication.	Corrections Sentences imposed under Structured Sentencing are definite, with little discretion in DOC to deviate from the judgment of the court. DOC may not extend a sentence beyond the maximum imposed by the court. Considerations for youth are almost entirely based on DOC policies; there are almost no statutory requirements.
Expunction Record of juvenile adjudication can be expunged for any offense other than a Class A – E felony, absent subsequent misconduct. No limitation on the number of eligible adjudications that can be expunged.	Expunction Expunction of convictions is limited to misdemeanor convictions prior to age 18 (or 21 for certain alcohol offenses), absent subsequent misconduct. Expunction of convictions is unlimited; expunction of arrest and trial records for dismissals or acquittals is one-time only.

Appendix A.2

Presented to the Youthful Offender Subcommittee, January 13, 2006

History of Juvenile Court in North Carolina



Janet Mason
December 13, 2005
Institute of Government
UNC at Chapel Hill

Juvenile court is not just a criminal court for young people.

- What is it?
- How does it differ from criminal court?
- **Why do we have it?**



The juvenile justice system provides procedures and resources for certain youth who commit acts that would be crimes if committed by adults:

- Law enforcement
- Complaints, intake, screening, diversion
- Detention
- Court hearings
- Consequences



How is Juvenile Court Different from Criminal Court?

- **Jurisdiction – to whom do these special procedures and resources apply?**
- Participants
- Procedures
- Outcomes
- Purposes
- Language / terminology



How are juvenile and criminal courts alike?

1. They deal with the same acts
 - There are not “adult crimes” and “juvenile crimes.”
2. Juveniles have most of the same rights that adult defendants have – except
 - Self-representation
 - Bail
 - Jury trial

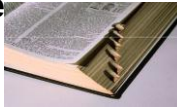


Faulty Assumptions



- Everything in juvenile court is confidential.
- A juvenile record can always be expunged.
- A juvenile record cannot be used against a juvenile in a later adult criminal case.
- Consequences are always more severe in the adult system than in the juvenile system.
- When a juvenile is committed, the judge decides the length of the commitment.

Jurisdiction Based on Age



“Juvenile”

- Under age 18 and not married, emancipated, or in the armed services.

“Delinquent Juvenile”

- A juvenile who commits a crime or infraction when at least 6 years of age and not yet 16.

Initial jurisdiction

1. depends on age at the time of the offense.
2. requires an offense committed by a “juvenile” while at least 6 and not yet 16 (unless previously convicted as an adult).
3. lasts indefinitely for felonies committed while 13, 14, or 15.



When

1. felony is committed before age 16, and
2. a juvenile proceeding is not begun or is not completed before age 18,

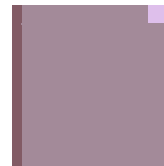
Then

- Juvenile court has initial jurisdiction, but only to determine probable cause and
 - transfer to superior court or
 - dismiss



Court Has Continuing Jurisdiction

1. even if the juvenile is emancipated after the offense.
2. for dispositional purposes,
 - a. to age 18 (unless extended), or
 - b. until terminated by court order, whichever occurs first.



Court May Extend Jurisdiction

1. To age 19, if juvenile is committed to YDC for B1-E felony.
2. To age 21, if juvenile is committed to YDC for first-degree murder, rape, or sex offense.



Extended Jurisdiction

1. is never automatic
2. cannot be ordered at disposition
3. requires written plan for further treatment from DJJDP
4. requires notice and opportunity for a hearing



Court Has Jurisdiction Over Parents and May:

1. Hold parent in contempt
2. Order parent to
 - participate in juvenile's treatment
 - obtain treatment
 - attend parenting classes
 - pay child support and attorney fees



Variety of Age Distinctions

- 6 youngest age of jurisdiction
- 10 youngest age for some fingerprinting, photographs, and commitment to YDC
- 13 probable cause required; transfer possible
- 14 youngest age to waive right to have parent present during interrogation
- 16 treated as adult for criminal conduct
- 18 max. jurisdiction for less than E felony
- 19 max. jurisdiction for B-E felonies
- 21 max. jurisdiction for most serious felonies

Treatment of Juveniles in Early America

- For the most part, children were treated just like adults.
- Use of incarceration became favored over execution and other punishments.
- Prisoners were not classified.
- Concerns re housing children with older serious offenders.
- Governors often pardoned young offenders.



First special attention to juveniles was in relation to corrections, not judicial practices.

- Houses of refuge
- Apprenticeship
- Attempts to "save" children through rehabilitation and discipline
- Creation of larger industrial and reform schools
- Continued use of adult prisons



In N.C., concerns resulted in 1907 legislation authorizing **Stonewall Jackson Manual Training and Industrial School**

- Youth were still tried in criminal court
- Judge could commit those under 16 for indefinite period of time



Early judicial practices followed English common law:

- Up to Age 7 – Conclusive presumption that child incapable of criminal intent
- Age 7 to 14 – Rebuttable presumption that child incapable of criminal intent
- Over Age 14 – Always prosecuted and punished as adult



N.C. Legislation 1915 – Probation Courts Act

- Created special jurisdiction for “delinquent” and “dependent” children under 18
- Juvenile probation and detention separate from adults
- Relied on counties for funding
- Not implemented uniformly
- Repealed in 1919

1919 – First N.C. Juvenile Court Act

- National Child Labor Committee study
- Proposed legislation included children age 18 or younger
- Legislature changed to only those under age 16
- Jurisdiction could continue to age of majority
- Court could transfer felony case of 14- or 15-year-old to superior court

1919 Juvenile Court Act applied to children who were

- | | |
|--------------|--|
| • Delinquent | • Misdirected |
| • Neglected | • Disobedient to parents or beyond their control |
| • Dependent | • Destitute or homeless |
| • Truant | • In danger of becoming so |
| • Unruly | |
| • Wayward | |
| • Abandoned | |

1919 Juvenile Court Act

- In all cases, issue before the court was:
Is the child in need of the care, protection, or discipline of the state?
- Procedures informal
- In many respects, resembles later Juvenile Codes



1919 to 1969 *Parens Patriae* Rules

- Laws held constitutional
- Juveniles viewed as wards of state
- These are civil, not “criminal,” cases
- Benevolent purposes used to justify informality and breadth of judicial discretion
- Lawyers rarely involved

Emergence of Juvenile Rights in Delinquency Cases

U.S. Supreme Court

- 1966 Kent v. U.S.
- 1967 In re Gault
- 1970 In re Winship



Established juveniles’ constitutional due process rights

New N.C. Juvenile Code – 1970
 Juvenile Cases Begin to Look More
 Like Criminal Cases

- Defined “child” as any person under the age of 16
- Distinguished undisciplined and delinquent
- Continued to address all categories of juveniles together
- Added due process protections for delinquency cases

Juvenile Code Revision Committee
 Late 1970s

- Much concern about growth in juvenile crime and serious and chronic offenders
- Did not identify age jurisdiction in delinquency cases as concern
- Recommended lowering undisciplined age to 16
- Focused extensively on dispositions, juvenile “corrections,” and need for community resources

New N.C. Juvenile Code – 1980

- Continued jurisdictional age at 16
- Continued transfer age at 14
- Continued to address all categories of juveniles together
- Expanded due process protections in delinquency cases
- Expanded dispositional options
- Added emancipation, expungement, confidentiality.

1994 – Special Crime Session

N.C. General Assembly lowered to 13 the age at which

- court must conduct probable cause hearings in felony cases and
- juvenile’s case may be transferred to superior court.



**Governor’s Commission on Juvenile
 Crime and Justice**
 1997 – 1999

- Recommended that age of delinquency jurisdiction remain 16 and age of dispositional jurisdiction be increased, noting:
 1. Detrimental impact on overburdened juvenile justice system
 2. Public opinion in light of serious crimes committed by juveniles
 3. Exorbitant budgetary projections

New Juvenile Code –1999
 G.S. Chapter 7B

- Initial jurisdiction age unchanged
- Transfer age unchanged
- Limited expansion of dispositional jurisdiction
- Retained transfer authority of governor [G.S. 7B-2517]



Changes and Trends

- Relevance of nature of offense
- Emergence of Family Court
- Need to improve representation for juveniles
- Need for training
- Emphasis on de-institutionalization
- Influence of federal JJDP Act
- More awareness of parents' role
- More openness in the system

The primary goals of juvenile proceedings are:

- Protect the public
- Help juveniles become nonoffending, responsible, and productive members of the community



In re Allison, 143 N.C. App. 586 (2001) (citing and quoting from earlier cases)

- The purpose of the juvenile law is not for the punishment of offenders but for the salvation of children.
- Juveniles are in need of supervision and control due to their inability to protect themselves. In contrast, adults are regarded as self-sufficient.

In re Allison, 143 N.C. App. 586 (2001)

The Act treats delinquent children not as criminals, but as wards and undertakes to give them the control and environment that may lead to their reformation and enable them to become law-abiding and useful citizens, a support and not a hindrance to the commonwealth.

Appendix A.3

Expunction in North Carolina

Juvenile

Note: Juvenile court records of delinquency or undisciplined status are not public records, and may be disclosed only to specific parties even if not expunged. N.C.G.S. 7B-3000.

Adjudication for any offense other than a Class A – E felony may be expunged.

Must be 18 to petition for expunction (16 if alleged delinquent but not adjudicated as such).

Evidence of rehabilitation required:

- o 18 months since release from juvenile court jurisdiction
- o No subsequent adjudication or conviction of a felony or misdemeanor, other than a traffic violation, in any state or against the United States.
- o Two verified affidavits of the juvenile's good character and reputation, from persons not related to the juvenile.

Expunction applies to court and law enforcement records.

Records of the Department of Juvenile Justice and Delinquency Prevention are retained or disposed as determined by the Department.

Juvenile *and parents* may legally deny the existence of the expunged proceeding. The juvenile must disclose the expunged record if testifying in a future juvenile proceeding.

Criminal

Records of arrest and prosecution resulting in no conviction or in subsequent exoneration may be expunged.

- o N.C.G.S. 15A-146: Defendant not convicted.
- o N.C.G.S. 15A-147: For victims of identity theft.
- o N.C.G.S. 15A-148: Of DNA if dismissed on appeal or after pardon of innocence.
- o N.C.G.S. 15A-149: Of all records after pardon of innocence.
- o N.C.G.S. 90-96(b): On successful completion of deferred judgment for certain first drug offenses.
- o N.C.G.S. 90-113.14(b): On successful completion of deferred judgment for toxic vapors offenses.

Expunction of convictions is limited to misdemeanors, underage alcohol possession, and certain low-level drug offenses.

N.C.G.S. 15A-145	N.C.G.S. 90-96(e)
Misdemeanors (no traffic), including underage alcohol possession.	Misdemeanor possession of Schedule II through VI, paraphernalia, or felony possession of cocaine less than 1 gram.
Offense must have occurred prior to age 18 (21 for alcohol).	Offense must have occurred prior to age 22.
Evidence of rehabilitation: - o Two-year wait. - o No intervening conviction. - o No outstanding restitution. - o Two affidavits of good character and reputation.	Evidence of rehabilitation: - o Twelve-month wait. - o No intervening conviction. - o Drug Education School (waivable by the court).
The court and “all law enforcement agencies bearing record of the same” must expunge their records of the conviction. DOC is omitted.	The court and “all law enforcement agencies bearing records of the conviction and records related thereto” must expunge their records of the conviction. DOC is omitted.

Note: N.C.G.S. 90-113.14(e) (in the N.C. Toxic Vapors Act) is almost identical to N.C.G.S. 90-96(e), permitting expunction of convictions for misdemeanor possession of substances in Schedules II through VI. This makes it redundant with 90-96(e), which covers expunction for the same offenses. Further, G.S. 90-113.14(e) says that it applies to convictions for possession of substances in Schedules II through VI “of this Article.” The schedules of controlled substances are not contained in the same Article, making the scope of this statute unclear. According to the AOC’s Records Officer, few (if any) petitions for expunction have been filed under G.S. 90-113.14(e).

Any petitioner receiving expunction of a conviction in N.C. is restored in the contemplation of the law to “the status he occupied before arrest or indictment or information or conviction.”

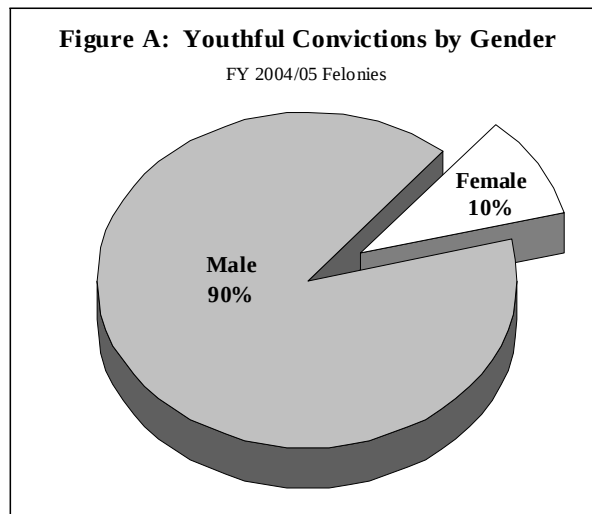
A petitioner granted an expunction may deny the existence of the record without being guilty of perjury or of making a false statement in response “to any inquiry made of him for any purpose.”

Appendix B
Statistical Profile of Youthful Offenders in North Carolina Table
B-1: Distribution of Youthful Offenders by Age at Offense FY
2004/05 Felonies

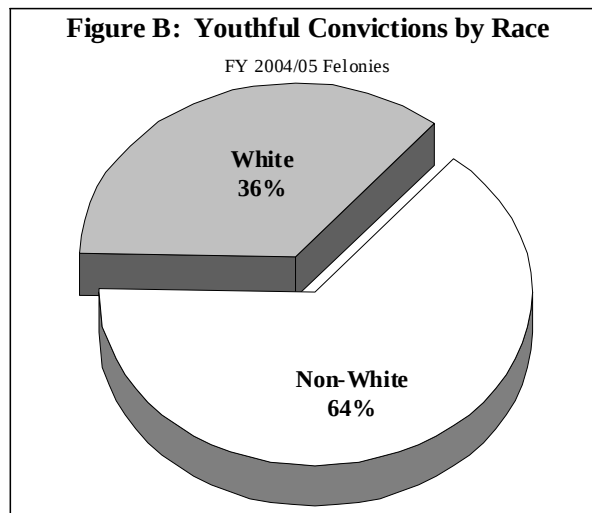
< 16 Years	16-17 Years	18-21 Years	All Youth	All Felons
26 (0%)	1,612 (5%)	5,366 (19%)	7,004 (24%)	28,734 (100%)

Note: Tables one through eight were reviewed by the Youthful Offender Subcommittee using data from FY03/04. The tables presented herein use the most recent fiscal year, 2004/2005.

SOURCE: N.C. Sentencing and Policy Advisory Commission, FY 2004/05 Felony Statistical Report Data.



SOURCE: N.C. Sentencing and Policy Advisory Commission, FY 2004/05 Felony Statistical Report Data.



SOURCE: N.C. Sentencing and Policy Advisory Commission, FY 2004/05 Felony Statistical Report Data.

Table B-2: Distribution of Convictions by Offense Class**FY 2004/05 Felonies**

Offense Class	Age at Offense			All Youth	All Felons
	< 16 Years	16-17 Years	18-21 Years		
A	0 (0%)	9 (0.6%)	19 (0.4%)	28 (0.4%)	85 (0.3%)
B1	1 (4.0%)	5 (0.3%)	13 (0.3%)	19 (0.3%)	146 (0.6%)
B2	2 (8.0%)	21 (1.4%)	49 (1.0%)	72 (1.1%)	268 (1.0%)
C	2 (8.0%)	10 (.7%)	40 (0.8%)	52 (0.8%)	880 (3.4%)
D	3 (12.0%)	81 (5.5%)	217 (4.4%)	301 (4.7%)	706 (2.7%)
E	6 (24.0%)	110 (7.5%)	284 (5.8%)	400 (6.3%)	1,083 (4.1%)
F	1 (4.0%)	95 (6.4%)	317 (6.5%)	413 (6.5%)	1,857 (7.1%)
G	4 (16.0%)	178 (12.1%)	625 (12.8%)	807 (12.7%)	3,054 (11.6%)
H	5 (20.0%)	709 (48.1%)	2,051 (42.0%)	2,765 (43.3%)	10,633 (40.6%)
I	1 (4.0%)	257 (17.4%)	1,270 (26.0%)	1,528 (23.9%)	7,511 (28.6%)
TOTAL	25 (100%)	1,475 (100%)	4,885 (100%)	6,385 (100%)	26,223 (100%)

Note: Of the 29,093 felony convictions in FY 2004/05, 2,870 were excluded from this table. Of the 7,074 youthful felony convictions in FY 2004/05, 711 convictions were excluded from this table. These convictions did not fit within the sentencing grid due to discrepant offense classes, prior record levels, or for other reasons (such as consecutive sentencing and extraordinary mitigation).

SOURCE: N.C. Sentencing and Policy Advisory Commission, FY 2004/05 Felony Statistical Report Data.

Table B-3: Convictions by Crime Types
FY 2004/05 Felonies

Crime Type	Age at Offense			All Youth	All Felons
	< 16 Years	16-17 Years	18-21 Years		
Person	17 (68.0%)	421 (28.5%)	1,048 (21.5%)	1,486 (23.3%)	4,726 (18.0%)
Property	6 (24.0%)	709 (48.1%)	1,741 (35.6%)	2,456 (38.5)	9,413 (35.9%)
Non-Trafficking Drug	1 (4.0%)	260 (17.6%)	1,679 (34.4%)	1,940 (30.3%)	9,296 (35.5%)
Other Felony	1 (4.0%)	85 (5.8%)	417 (8.5%)	503 (7.9%)	2,788 (10.6%)
TOTAL	25 (100%)	1,475 (100%)	4,885 (100%)	6,385 (100%)	26,223 (100%)

Note: Of the 29,093 felony convictions in FY 2004/05, 2,870 were excluded from this table. Of the 7,004 youthful felony convictions in FY 2004/05, 619 convictions were excluded from this table. These convictions did not fit within the sentencing grid due to discrepant offense classes, prior record levels, or for other reasons (such as consecutive sentencing and extraordinary mitigation).

SOURCE: N.C. Sentencing and Policy Advisory Commission, FY 2004/05 Felony Statistical Report Data.

Table B-4: Convictions by Prior Record Level
FY 2004/05 Felonies

Prior Record Level	Age at Offense			All Youth	All Felons
	< 16 Years	16-17 Years	18-21 Years		
I	21 (84.0%)	958 (64.9%)	1,824 (37.4%)	2,803 (43.9%)	6,273 (23.9%)
II	3 (12.0%)	457 (31.0%)	2,131 (43.6%)	2,591 (40.6%)	9,025 (34.4%)
III	0 (0%)	56 (3.8%)	739 (15.1%)	795 (12.4%)	5,176 (19.7%)
IV	1 (4.0%)	4 (0.3%)	179 (3.7%)	184 (2.9%)	3,953 (15.1%)
V	0 (0%)	0 (0%)	10 (0.2%)	10 (0.2%)	1,040 (4.0%)
VI	0 (0%)	0 (0%)	2 (0%)	2 (0%)	756 (2.9%)
TOTAL	25 (100%)	1,475 (100%)	4,885 (100%)	6,385 (100%)	26,223 (100%)

Note: Of the 29,093 felony convictions in FY 2004/05, 2,870 were excluded from this table. Of the 7,004 youthful felony convictions in FY 2004/05, 619 convictions were excluded from this table. These convictions did not fit within the sentencing grid due to discrepant offense classes, prior record levels, or for other reasons (such as consecutive sentencing and extraordinary mitigation).

SOURCE: N.C. Sentencing and Policy Advisory Commission, FY 2004/05 Felony Statistical Report Data.

**Table B-5: Convictions by Sentence Imposed
FY 2004/05 Felonies**

Type of Punishment	Age at Offense			All Youth	All Felons
	< 16 Years	16-17 Years	18-21 Years		
Active	16 (64.0%)	361 (24.5%)	1,436 (29.4%)	1,813 (28.4%)	9,556 (37.0%)
Intermediate	8 (32.0%)	691 (46.8%)	2,244 (45.9%)	2,943 (46.1%)	11,600 (44.0%)
Community	1 (4.0%)	423 (28.7%)	1,205 (24.7%)	1,629 (25.5%)	5,067 (19.0%)
Minimum Active Sentence (Months)	38	14	14	14	32
TOTAL	25 (100%)	1,475 (100%)	4,885 (100%)	6,385 (100%)	26,223 (100%)

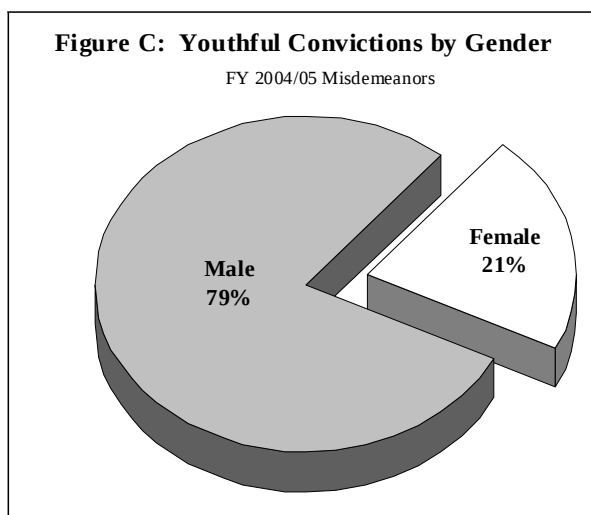
Note: Of the 29,093 felony convictions in FY 2004/05, 2,870 were excluded from this table. Of the 7,004 youthful felony convictions in FY 2004/05, 619 convictions were excluded from this table. These convictions did not fit within the sentencing grid due to discrepant offense classes, prior record levels, or for other reasons (such as consecutive sentencing and extraordinary mitigation).

SOURCE: N.C. Sentencing and Policy Advisory Commission, FY 2004/05 Felony Statistical Report Data.

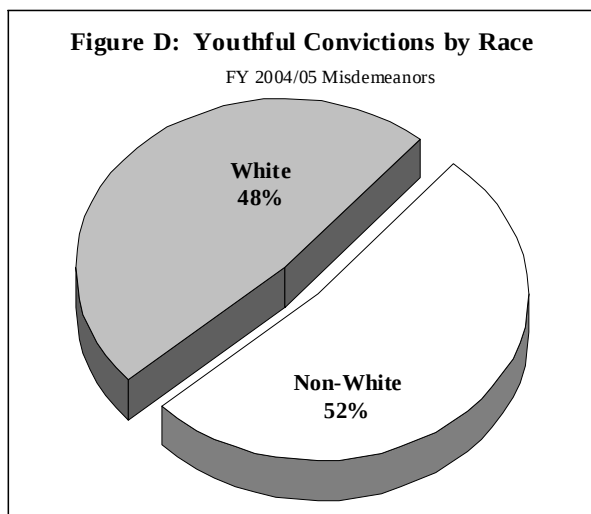
**Table B-6: Distribution of Youthful Offenders by Age at Offense
FY 2004/05 Misdemeanors**

< 16 Years	16-17 Years	18-21 Years	All Youth	All Misdemeanants
1 (0%)	9,786 (6%)	27,642 (17%)	37,429 (23%)	163,324 (100%)

SOURCE: N.C. Sentencing and Policy Advisory Commission, FY 2004/05 Misdemeanor Statistical Report Data.



SOURCE: N.C. Sentencing and Policy Advisory Commission, FY 2004/05 Misdemeanor Statistical Report Data.



SOURCE: N.C. Sentencing and Policy Advisory Commission, FY 2004/05 Misdemeanor Statistical Report Data.

Table B-7: Distribution of Convictions by Offense Class
FY 2004/05 Misdemeanors

Offense Class	Age at Offense			All Youth	All Misdemeanants
	<16	16-17 Years	18-21 Years		
A1	0 (0%)	450 (4.7%)	1,745 (6.4%)	2,195 (6.0%)	14,391 (8.6%)
1	1 (100%)	4,848 (50.3%)	15,168 (55.9%)	20,017 (54.4%)	95,285 (57.2%)
2	0 (0%)	2,722 (28.2%)	4,689 (17.3%)	7,411 (20.1%)	32,010 (19.2%)
3	0 (0%)	1,625 (16.8%)	5,554 (20.4%)	7,179 (19.5%)	25,077 (15.0%)
TOTAL	1 (100%)	9,645 (100%)	27,156 (100%)	36,802 (100%)	166,763 (100%)

Note: Of the 170,542 misdemeanor convictions in FY 2004/05, 3,779 were excluded from this table. Of the 37,429 youthful misdemeanor convictions in FY 2004/05, 627 convictions were excluded from this table. These convictions did not fit within the sentencing grid due to discrepant offense classes, prior conviction levels, or for other reasons.

SOURCE: N.C. Sentencing and Policy Advisory Commission, FY 2004/05 Misdemeanor Statistical Report Data.

Table B-8: Convictions by Prior Conviction Level
FY 2004/05 Misdemeanors

Prior Conviction Level	Age at Offense			All Youth	All Misdemeanants
	<16	16-17 Years	18-21 Years		
I	1 (100%)	6,815 (70.7%)	14,549 (53.6%)	21,365 (58.1%)	75,246 (45.1%)
II	0 (0%)	2,713 (28.1%)	10,882 (40.1%)	13,595 (36.9%)	62,580 (37.5%)
III	0 (0%)	117 (1.2%)	1,725 (6.3%)	1,842 (5.0%)	28,937 (17.4%)
TOTAL	1 (100%)	9,645 (100%)	27,156 (100%)	36,802 (100%)	166,763 (100%)

Note: Of the 170,542 misdemeanor convictions in FY 2004/05, 3,779 were excluded from this table. Of the 37,429 youthful misdemeanor convictions in FY 2004/05, 627 convictions were excluded from this table. These convictions did not fit within the sentencing grid due to discrepant offense classes, prior conviction levels, or for other reasons.

SOURCE: N.C. Sentencing and Policy Advisory Commission, FY 2004/05 Misdemeanor Statistical Report Data.

Table B-9: Rearrest Rates Using a Three-Year Follow-Up for Offenders Placed on Probation or Released from Prison in FY 2001/02

Age at Admission to DOC	N	All	Prisoners	Probationers
< 16 Years	37	43.2	60.0	31.8
16-17 Years	3,970	46.2	67.7	43.2
18-21 Years	9,031	44.9	60.2	39.5
All Youthful Offenders	13,038	45.3	61.5	40.8
All Offenders	57,973	38.2	49.8	33.3

Note: Tables nine and ten were reviewed by the Youthful Offender Subcommittee using data on offenders placed on probation or released from prison in FY98/99. The tables presented herein use data on offenders placed on probation or released from prison in FY 2001/02.

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2001/02 Correctional Program Evaluation Data

Table B-10: Technical Revocation Rates for Offenders Placed on Probation or Released from Prison in FY 2001/02

Age at Admission to DOC	N	All	Prisoners	Probationers
< 16 Years	37	32.4	26.7	36.4
16-17 Years	3,970	34.1	24.2	35.5
18-21 Years	9,031	29.8	24.9	31.5
All Youthful Offenders	13,038	31.1	24.8	33.0
All Offenders	57,973	26.4	19.3	29.4

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2001/02 Correctional Program Evaluation Data

Appendix C.1
Age at Which Offender Enters Adult Court Jurisdiction in the U.S.

16 Years Old	17 Years Old	18 Years Old
Connecticut	Georgia	Alabama
New York	Illinois	Alaska
North Carolina	Louisiana	Arizona
	Massachusetts	Arkansas
	Michigan	California
	Missouri	Colorado
	New Hampshire	Delaware
	South Carolina	<u>District of Columbia</u>
	Texas	Florida
	Wisconsin	Hawaii
		Idaho
		Indiana
		Iowa
		Kansas
		Kentucky
		Maine
		Maryland
		Minnesota
		Mississippi
		Montana
		Nebraska
		Nevada
		New Jersey
		New Mexico
		North Dakota
		Ohio
		Oklahoma
		Oregon
		Pennsylvania
		Rhode Island
		South Dakota
		Tennessee
		Utah
		Vermont
		Virginia
		Washington
		West Virginia
		Wyoming

Appendix C.2

Presented to the Youthful Offender Subcommittee, January 13, 2006

Stages of Development and Jurisprudence

Youthful Offender Subcommittee
NC Sentencing and Policy Advisory Commission

January 13, 2005

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Traditional Juvenile Justice Jurisprudence

Children are not developmentally mature, and hence should be treated differently from adults, because of:

Diminished capacity—the degree to which children and adolescents should be held responsible for their delinquent acts

Proportionality—mitigation of punishments for juveniles because of their developmental lack of social and mental capacity

Room to reform—kind of punishments and the kind of consequences that should be avoided

Key Issue

“When is it appropriate to treat the subjects of the juvenile justice system charged with serious offenses as if they were adults and banish them to prison for long terms? To put the matter less charitably: When are juveniles not juveniles?” (Zimring, 1981, p. 193)

Juvenile Legal Culpability Issues

Because of their deficiencies in cognitive functioning, juveniles do not act with the level of moral culpability that characterizes adult criminal conduct.

Research based factors:

- Impaired risk perception
- Foreshortened time perspective
- Greater susceptibility to peer influence
- Behavioral control capability

New Research on Brain Development

Adolescent brains are far less developed than previously believed, affecting higher level functions such as planning, reasoning, judgment, and behavior control:

National Institute of Mental Health (Drs. Giedd & Gogtay)

UCLA School of Medicine (Dr. Sowell)

Brain Behavior Lab, Univ. of Penn (Dr. Gur)

References

Fagan, J. (2005). Adolescents, maturity and the law. The American Prospect. Special Report Breaking Through, A5-A7.

Howell, J. C. (2003). Preventing and Reducing Juvenile Delinquency A Comprehensive Framework. Thousand Oaks, CA Sage Publications.

Juvenile Justice Center. (2004). Adolescence, brain development, and legal culpability. Washington, DC Juvenile Justice Center, American Bar Association.

Zimring, F. E. (1981). Notes toward a jurisprudence of waiver. In J.C.Hall, D.M.Hamparian, J.M.Pettibone, & J.L.White (Eds.) Major Issues in Juvenile Justice Information and Training (pp. 193-205). Columbus, OH Academy for Contemporary Problems.

Appendix C.3

Presented to the Youthful Offender Subcommittee, August 25, 2006

SUCCESSFUL NATIONAL PROGRAMS FOR YOUTHFUL OFFENDERS

North Carolina Sentencing and
Policy Advisory Commission
August 25, 2006

Methodology to Evaluate Program Effectiveness

- Rigorous research design
- Empirically measurable program components and outcomes
- Statistically significant effects (*i.e.*, not due to random chance)
- Multi-site evaluations with replicable outcomes
- Cost/benefit analysis

Elements of Effective Programs

- Sizeable impact
- Impact on several age-appropriate risk factors and protective factors
- Multi-context programs (such as individual, family, school, peers, community)
- Impact sustainable over time

Elements of Effective Programs (Cont.)

- Program/client targeting
- Focused and structured program contents
- Accurate/consistent implementation and delivery
- Cost/benefit effectiveness

Examples of Effective Programs for *High-Risk Youth*

Strategy	Model Program
Compensatory Education	Quantum Opportunities
Youth Development Skills	Life Skills Training
Mentoring	Big Brothers/Big Sisters

Examples of Effective Programs for *Delinquent Youth*

Strategy	Model Programs
Cognitive-Behavioral Training	Aggression Replacement Training
Family Therapy and Cognitive-Behavioral Training	• Family Functional Therapy • Multi-Systemic Therapy • Multi-Dimensional Treatment Foster Care
Wrap-Around Services	Juvenile Repeat Offender Prevention Project

Promising Programs

- Drug Court
- Aftercare
- Drug treatment with urine testing
- Intensive Supervision Probation

Ineffective Programs

- Specific Deterrence programs
- Boot Camp
- Programs with large groups of high-risk youth
- Social casework/individual counseling
- Residential milieu treatment
- Drug abstinence/drug testing without treatment
- Waiver to adult court/incarceration

Factoring in Costs and Benefits

- Programs must look at resource issues
- Up-front costs, short- and long-term benefits
- Program effectiveness as measured by benefit/cost ratios
- Study by Washington State Institute for Public Policy (2004)

Conclusions

- There are programs that have been proven cost effective to prevent/reduce criminal behavior of youthful offenders.
- Evaluation research is an ongoing process with more studies and better methods of evaluation nationwide and in NC.

Conclusions (Cont.)

- Evaluations should be used to identify not only strategies and programs that work, but also those that do not work.
- The strategies and programs reviewed here were to give examples for what works and should not be taken as specific program recommendations to be adopted in NC.

Conclusions (Cont.)

- Long-term dollar benefits versus costs should be an important component in evaluating programs.
- Program effectiveness depends as much on implementation and delivery as on content.
- Effective programs should be implemented for youthful offenders, independent of whether they are processed and disposed under juvenile or adult jurisdiction.

Examples of Effective Prevention and Intervention Strategies and Programs for High-Risk and Delinquent Youth

High Risk Youth: Effective Prevention Programs

Strategy	Model Program	Model Program Description
Compensatory Education	Quantum Opportunities	Community-based program targeting youth (9 th grade and up) from low income families. It provides educational, developmental, and service activities combined with a sustained relationship with a peer group and a caring adult.
Youth Development Skills	Life Skills Training	School-based program that provides general life skills and social resistance skills training to middle and junior high school students to increase knowledge and improve attitudes about drug use.
Mentoring	Big Brothers/Big Sisters	Mentoring program serving disadvantaged youth up to age 18 from single parent households. The program aims to provide a consistent mentoring relationship with a responsible adult through frequent interactions between mentor and youth.

Delinquent Youth: Effective Intervention Programs

Strategy	Model Program	Model Program Description
Cognitive-Behavioral Training	Aggression Replacement Training	Multi-mode intervention designed to change the behavior of aggressive youth, reduce anti-social behavior, and teach pro-social skills. Youth attend one-hour group sessions 3 times a week for 10 weeks where they gain the tools to help them solve problems, make decisions, and positively interact in social situations.
Family Therapy and Cognitive-Behavioral Training	Family Functional Therapy	Family-based program delivered in multiple settings by a wide range of service providers designed to engage and motivate youth and families to change their communication, interaction, and problem solving patterns.
	Multi-Systemic Therapy	Short-term intensive family and community-based program delivered by therapists. Four types of services are delivered through a home-based model: strategic family therapy, structural family therapy, behavioral parent training, and cognitive behavioral therapy.
	Multi-Dimensional Treatment Foster Care	Multi-systemic clinical intervention used as an alternative to incarceration. Youth are placed in foster families for 6 to 9 months and receive weekly individualized therapy. Foster families receive weekly group supervision, and biological parents learn behavior management techniques to maintain progress made during foster care placement.
Wrap-Around Services	Juvenile Repeat Offender Prevention Project	Multi-agency, multi-disciplinary program targeting at-risk youth and first time offenders who have the greatest potential to become repeat offenders. It includes a focus on the youth and his/her family using a multi-disciplinary team, case management and service planning, and integrated service delivery.

Source: Howell, J.C. 2003. *Preventing and Reducing Juvenile Delinquency*. Thousand Oaks: Sage Publications.
 Lipsey, M.W., D.B. Wilson, and L. Cothorn. 2000. *Effective Intervention for Serious Juvenile Offenders*. OJJDP: Juvenile Justice Bulletin. U.S. Department of Justice: Office of Justice Programs.
 Mihalic, S., K. Irwin, D. Elliott, A. Fagan, and D. Hansen. 2001. *Blueprints for Violence Prevention*. OJJDP: Juvenile Justice Bulletin. U.S. Department of Justice: Office of Justice Programs.
 Sherman, L.W., D. Gottfredson, D. MacKenzie, J. Eck, P. Reuter, and S. Bushway. *Preventing Crime: What Works, What Doesn't, What's Promising*. A Report to the United States Congress. (NIJ Grant #96MUMU0019).
 U.S. Department of Health and Human Services. 2001. *Youth Violence: A Report of the Surgeon General*. Rockville, MD. US Department of Health and Human Services, Substance Abuse and Mental Health Services Administration, Center for Mental Health Services, National Institutes of Health, National Institute of Mental Health.

Promising Programs

- Drug Court
- Aftercare
- Drug treatment with urine testing
- Intensive Supervision Probation

Programs That Have Not Significantly Reduced Recidivism

- Specific Deterrence programs (e.g., “Scared Straight”)
- Boot Camp
- Programs with large groups of high-risk youth
- Social casework/individual counseling
- Residential milieu treatment
- Drug abstinence/drug testing without treatment
- Waiver to adult court/incarceration

Summary of Benefits and Costs (2003 Dollars)

<u>Estimates as of September 17, 2004</u>	Measured Benefits and Costs Per Youth			
	Benefits	Costs	Benefits per Dollar of Cost	Benefits Minus Costs
	(1)	(2)	(3)	(4)
Juvenile Offender Programs				
Dialectical Behavior Therapy (in Washington)	\$32,087	\$843	\$38.05	\$31,243
Functional Family Therapy (excluding Washington)	\$28,356	\$2,140	\$13.25	\$26,216
Multidimensional Treatment Foster Care (v. regular care)	\$26,748	\$2,459	\$10.88	\$24,290
Washington Basic Training Camp §	\$14,778	-\$7,586	n/a	\$22,364
Adolescent Diversion Project	\$24,067	\$1,777	\$13.54	\$22,290
Aggression Replacement Training (excluding Washington)	\$15,606	\$759	\$20.56	\$14,846
Functional Family Therapy (in Washington)	\$16,455	\$2,140	\$7.69	\$14,315
Other Family-Based Therapy Programs for Juvenile Offenders*	\$14,061	\$1,620	\$8.68	\$12,441
Multi-Systemic Therapy (MST)	\$14,996	\$5,681	\$2.64	\$9,316
Aggression Replacement Training (in Washington)	\$9,564	\$759	\$12.60	\$8,805
Juvenile Boot Camps (excluding Washington)*§	\$0	-\$8,474	n/a	\$8,474
Juvenile Offender Interagency Coordination Programs*	\$8,659	\$559	\$15.48	\$8,100
Mentoring in the Juvenile Justice System (in Washington)	\$11,544	\$6,471	\$1.78	\$5,073
Diversion Progs. w/ Services (v. regular juv. court processing)*	\$2,272	\$408	\$5.58	\$1,865
Juvenile Intensive Probation Supervision Programs*	\$0	\$1,482	\$0.00	-\$1,482
Juvenile Intensive Parole	\$0	\$5,992	\$0.00	-\$5,992
Scared Straight	-\$11,002	\$54	-\$203.51	-\$11,056
Regular Parole (v. not having parole)	-\$10,379	\$2,098	-\$4.95	-\$12,478
Mentoring Programs				
Big Brothers/Big Sisters (taxpayer cost only)	\$4,058	\$1,236	\$3.28	\$2,822
Big Brothers/Big Sisters	\$4,058	\$4,010	\$1.01	\$48
Quantum Opportunities Program	\$10,900	\$25,921	\$0.42	-\$15,022
Youth Substance Abuse Prevention Programs				
Life Skills Training (LST) ‡	\$746	\$29	\$25.61	\$717

Source: S. Aos, R. Lieb, J. Mayfield, M. Miller, A. Pennucci. (2004) Benefits and Costs of Prevention and Early Intervention Programs for Youth. Olympia: Washington State Institution for Public Policy, available at <http://www.wsipp.wa.gov>

‡ Cost estimates for these programs do not include the costs incurred by teachers who might otherwise be engaged in other productive teaching activities. Estimates of these opportunity costs will be included in future revisions.

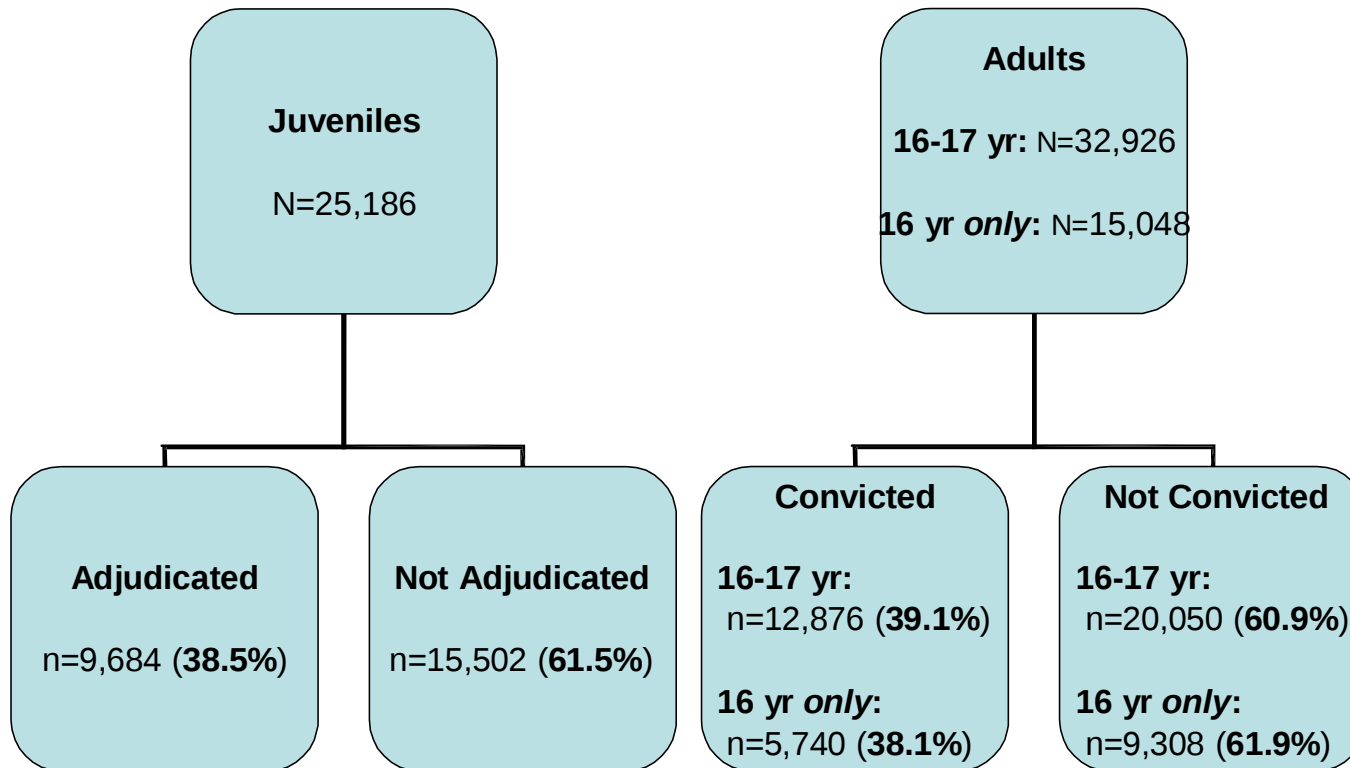
§ The juvenile boot camp cost in column (2) is a negative number because, in Washington, youth in the State's basic training camp spend less total time institutionalized than comparable youth not attending the camp. In column (4), this "negative" cost is a benefit of the camp versus a regular institutional stay.

Notes:

1. Programs marked with an asterisk are the average effects for a group of programs; program without an asterisk refer to individual programs.
2. Programs that are italicized are referenced in the Table 1 in Appendix E.2.
3. Values on this table are estimates of present valued benefits and costs of each program with statistically significant results with respect to crime, education, substance abuse, child abuse and neglect, teen pregnancy, and public assistance. Column 4 represents the overall benefit minus the cost of each program. Programs with negative dollar amounts indicate that the costs outweighed the benefits while programs with positive dollar amounts indicate benefits outweighed the costs.

Appendix D: Projected Resource Shifts for Change in Age of Adult Jurisdiction

Juvenile and Adult Offenders (16-17 Years) by Processing



SOURCE: NC Sentencing and Policy Advisory Commission, July to Dec. 2004 Felony/Misdemeanor Data
NC Sentencing and Policy Advisory Commission, July to Dec. 2004 Juvenile Complaints Data

Table D-1
Projected Juvenile Dispositions¹ for Adjudicated 16-17 Year Olds²
Scenario 1: Base Resentencing Scenario³

OFFENSE LEVEL	DISPOSITION LEVEL					
	Level 1 Community		Level 2 Intermediate		Level 3 Commitment	
	Age 16	Age 16-17	Age 16	Age 16-17	Age 16	Age 16-17
VIOLENT	25	54	63	133	36	77
SERIOUS	520	1,191	450	1,031	82	188
MINOR	3,563	7,892	652	1,445	21	47
TOTAL	4,108	9,137	1,165	2,609	139	312

SOURCE:

NC Sentencing and Policy Advisory Commission, July to December 2004 Felony/Misdemeanor Data
NC Sentencing and Policy Advisory Commission, July to December 2004 Juvenile Complaints Data
NC Sentencing and Policy Advisory Commission, FY 2004/05 Juvenile Simulation Data

¹ Applied FY 2004/05 juvenile dispositional probabilities based on offense level for the most serious offense of conviction. Since juvenile record was not known, it was not possible to resentence using delinquency history level.

² Age at commission of offense.

³ Based on most serious offense of conviction for a weighted sample of 12,058 youthful offenders with criminal filings between July 1, 2004 and December 31, 2004.

Table D-2
Projected Juvenile Dispositions¹ for Adjudicated 16-17 Year Olds²
Scenario 2: Resentencing Scenario with Adjustment for Delinquency History³

OFFENSE LEVEL	DISPOSITION LEVEL					
	Level 1 Community		Level 2 Intermediate		Level 3 Commitment	
	Age 16	Age 16-17	Age 16	Age 16-17	Age 16	Age 16-17
VIOLENT	24	49	63	136	37	79
SERIOUS	509	1,142	456	1,056	87	212
MINOR	3,520	7,704	674	1,539	42	141
TOTAL	4,053	8,895	1,193	2,731	166	432

SOURCE:

NC Sentencing and Policy Advisory Commission, July to December 2004 Felony/Misdemeanor Data
NC Sentencing and Policy Advisory Commission, July to December 2004 Juvenile Complaints Data
NC Sentencing and Policy Advisory Commission, FY 2004/05 Juvenile Simulation Data

¹ Applies FY 2004/05 juvenile dispositional probabilities based on offense level for the most serious offense of conviction, with adjustment for incrementally increased delinquency history for 16 and 16-17 year olds.

² Age at commission of offense.

³ Based on most serious offense of conviction for a weighted sample of 12,058 youthful offenders with criminal filings between July 1, 2004 and December 31, 2004.

Table D-3
Projected Juvenile Dispositions¹ for Adjudicated 16-17 Year Olds²
Scenario 3: Resentencing Scenario with Adjustment for Transfers³

OFFENSE LEVEL	DISPOSITION LEVEL					
	Level 1 Community		Level 2 Intermediate		Level 3 Commitment	
	16	16-17	16	16-17	16	16-17
VIOLENT	24	50	60	122	34	70
SERIOUS	517	1,182	448	1,024	81	186
MINOR	3,563	7,892	652	1,445	21	47
TOTAL	4,104	9,124	1,160	2,591	136	303

SOURCE:

NC Sentencing and Policy Advisory Commission, July to December 2004 Felony/Misdemeanor Data

NC Sentencing and Policy Advisory Commission, July to December 2004 Juvenile Complaints Data

NC Sentencing and Policy Advisory Commission, FY 2004/05 Juvenile Simulation Data

¹ Applies FY 2004/05 juvenile dispositional probabilities based on offense level for the most serious offense of conviction, with adjustment for incrementally increased numbers of 16 and 16-17 year olds transferred to adult court.

² Age at commission of offense.

³ Based on most serious offense of conviction for a weighted sample of 12,058 youthful offenders with criminal filings between July 1, 2004 and December 31, 2004. Of the 12,058 convicted offenders, 40 are projected to be transferred to adult court.

Table D-4
Projected Juvenile Dispositions¹ for Adjudicated 16-17 Year Olds²
Scenario 4: Resentencing Scenario with Adjustment for Delinquency History
and Transfers³

OFFENSE LEVEL	DISPOSITION LEVEL					
	Level 1 Community		Level 2 Intermediate		Level 3 Commitment	
	Age 16	Age 16-17	Age 16	Age 16-17	Age 16	Age 16-17
VIOLENT	23	45	60	125	35	72
SERIOUS	506	1,134	453	1,048	87	210
MINOR	3,520	7,704	674	1,539	42	141
TOTAL	4,049	8,883	1,187	2,712	164	423

SOURCE:

NC Sentencing and Policy Advisory Commission, July to December 2004 Felony/Misdemeanor Data

NC Sentencing and Policy Advisory Commission, July to December 2004 Juvenile Complaints Data

NC Sentencing and Policy Advisory Commission, FY 2004/05 Juvenile Simulation Data

¹ Applies FY 2004/05 juvenile dispositional probabilities based on offense level for the most serious offense of conviction, with adjustments for both incrementally increased delinquency history points for 16 and 16-17 year olds, and for incrementally increased numbers of 16 and 16-17 year olds transferred to adult court.

² Age at commission of offense.

³ Based on most serious offense of conviction for a weighted sample of 12,058 youthful offenders with criminal filings between July 1, 2004 and December 31, 2004. Of the 12,058 convicted offenders, 40 are projected to be transferred to adult court.

**Table D-5
Summary of Resentencing Scenarios**

SCENARIOS	AGE 16				AGE 16-17			
	DISPOSITION LEVEL				DISPOSITION LEVEL			
	Level 1 Community	Level 2 Intermediate	Level 3 Commitment	SUM	Level 1 Community	Level 2 Intermediate	Level 3 Commitment	SUM
Scenario 1	4,108	1,165	139	5,412	9,137	2,609	312	12,058
Scenario 2	4,053	1,193	166	5,412	8,895	2,731	432	12,058
Scenario 3	4,104	1,160	136	5,400	9,124	2,591	303	12,018
Scenario 4	4,049	1,187	164	5,400	8,883	2,712	423	12,018

SOURCE:

NC Sentencing and Policy Advisory Commission, July to December 2004 Felony/Misdemeanor Data
NC Sentencing and Policy Advisory Commission, July to December 2004 Juvenile Complaints Data
NC Sentencing and Policy Advisory Commission, FY 2004/05 Juvenile Simulation Data

NOTE:

Of the 32,926 16-17 year olds, 12,058 were adjudicated and 20,050 were not adjudicated. Applying a diversion rate similar to that in the juvenile system, 20.8% or 4,170 of the 20,050 youthful offenders not adjudicated would be diverted and served in the community.

Of the 15,048 16 year olds, 5,412 were adjudicated and 9,308 were not adjudicated. Applying a diversion rate similar to that in the juvenile system, 20.8% or 1,936 of the youthful offenders not adjudicated would be diverted and served in the community.

Cost per YDC bed in FY2004/05 was \$83,125. Cost information for disposition levels 1 and 2 was not available.

Table D-6
Reductions in Resources in the Adult System

Age at Offense	Trials	Convictions	Prison Beds (per year)		Supervision ³ (per year)	
			Active ¹	Revocation ²	Intermediate	Community
16-17	34	12,876	497	565	1,785	9,150
16 Only	22	5,740	191	252	741	4,214

SOURCE:

NC Sentencing and Policy Advisory Commission, July to December 2004 Felony/Misdemeanor Data

NC Sentencing and Policy Advisory Commission, FY 2004/05 Structured Sentencing Simulation Model

¹ Counts all felony active sentences with a minimum of 90 days or longer. The 30 misdemeanor convictions resulting in a minimum sentence of 90 days or longer are not included in this projection.

² Applies a 49% revocation rate for felonies and a 32% revocation rate for misdemeanors with suspended sentences with a minimum sentence of 90 days or longer.

³ Applies 18 months supervision for intermediate and 12 months supervision for community punishment.

NOTE:

Average yearly cost per prison bed in FY 2004/05 was \$23,199.

Appendix E.1

Transfer and Reverse Waiver

I. Transfer

- A. Definition: The process by which a case that normally would be prosecuted in the juvenile court is transferred to adult criminal court for prosecution of the juvenile as an adult.
- B. Three types:
 - 1. Statutory Exclusion – Removing certain cases from juvenile court jurisdiction entirely.
 - 2. Direct File – Prosecutorial discretion to file certain cases directly in criminal court.
 - 3. Judicial waiver – Transfer decision made by the juvenile court.
 - a. Mandatory – Juvenile court must transfer a case meeting certain criteria.
 - b. Presumptive – Shifts the burden to the juvenile to prove transfer is not appropriate.
 - c. Discretionary – Leaves the transfer decision entirely in the juvenile court’s hands.
- C. Transfer in North Carolina
 - 1. Statutory Exclusion – “Once an adult, always an adult.” G.S. 7B-1604.
 - 2. Judicial Waiver (Mandatory) – Juveniles 13 or older, charged with a Class A felony.
 - 3. Judicial Waiver (Discretionary) – Juveniles 13 or older, charged with any felony.

II. Reverse Waiver

- A. Definition: The process by which a juvenile charged in or transferred to criminal court for trial as an adult is transferred to juvenile court for adjudication.
- B. Four Types:
 - 1. Error Correction – Reverse waiver of a case for which jurisdiction properly belongs in juvenile court, but was filed in criminal court.
 - 2. Rejection of Transfer – Reverse waiver for a case that originated in juvenile court but was transferred to criminal court for trial.
 - 3. Post-Disposition – Reverse waiver to juvenile court for entry of a juvenile disposition after the offender has been tried and convicted as an adult in criminal court.
 - 4. Juvenile Selection – Transferring a case in the original jurisdiction of the criminal court to the juvenile court for adjudication, but generally in very limited circumstances.
- C. Reverse Waiver in North Carolina
 - 1. N.C. has no reverse waiver process that transfers a case from criminal court to juvenile court. A case erroneously filed in criminal court against a juvenile must be dismissed and re-filed through the juvenile petition process.
 - 2. N.C. has an appeal process that resembles Rejection of Transfer, in that a juvenile court judge’s transfer decision may be reviewed – but only for an abuse of discretion – in an appeal to the Superior Court. G.S. 7B-2603.

Appendix E.2

BLENDED SENTENCING MODELS

Juvenile Court Has Jurisdiction

- *Juvenile Inclusive* – Juvenile court may impose both a juvenile disposition and adult sentence.
- *Juvenile Exclusive* – Juvenile court may impose either a juvenile disposition or an adult sentence.
- *Juvenile Contiguous* – Juvenile court may impose a sentence that is in force beyond the juvenile jurisdiction.

Criminal Court Has Jurisdiction

- *Criminal Inclusive* – Criminal court may impose both an adult sentence and a juvenile disposition.
- *Criminal Exclusive* – Criminal court may impose either an adult sentence or a juvenile disposition.

Appendix F

Youthful Offender Status – Proposed

Age (at time of offense)	Prior to the 21 st birthday.
Offense(s) Eligible	Misdemeanors Felonies – H and I, only No offenses that require registration as a sex offender. No violent felonies.
Additional Criteria	Victims given notice and opportunity to be heard. No prior felony conviction or misdemeanor involving moral turpitude. No previous probation. Unlikely to commit more than a Class 3 misdemeanor.
Initiating Official	District Attorney or Judge
Timing/Process	Sentencing option for the Court after plea or jury verdict of guilt.
Supervised/ Unsupervised	Supervised probation, only.
Conditions Permitted	Any valid condition of probation.
Term of Probation	Five-year maximum. Extensible by up to 3 additional years if needed to fulfill conditions of restitution or treatment.
Effect	Upon successful completion of probation, defendant is discharged without conviction. Offender may petition for expunction of records of arrest and prosecution.

APPENDIX G:

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