



Council for Children's Rights

Raising the Age of Juvenile Jurisdiction in North Carolina: Implications for Mecklenburg County

Overview

If passed into law, House Bill 1414, the Youth Accountability Act, would raise the age of juvenile jurisdiction in North Carolina from 16 to 18. North Carolina is the last state in the country to operate under the current system where sixteen- and seventeen-year-olds charged with crimes are sent directly into the criminal justice system and processed as adults. The Youth Accountability Act would require that sixteen- and seventeen-year-old offenders be handled by the juvenile justice system.

The shift in juvenile jurisdiction would be phased in slowly, with the first alteration to the current system – raising the age of juvenile jurisdiction to 16.5 years – becoming effective in June 2012. The final change would not become effective until June 2015. Petitions could still be made by district attorneys to transfer cases involving sixteen- and seventeen-year-olds to superior court for trial as adults.

If viewed favorably by the General Assembly, the bill could be passed as early as the 2011 legislative session, the “long session,” which begins in January of next year. Legislators have already voted to fund a task force to study the issue and make recommendations as to how the General Assembly should proceed. The Youth Accountability Task Force met for the first time in October 2009, and will continue to meet every other month until it makes its final recommendation to the legislature in 2011.

Importance of the Youth Accountability Act

The Youth Accountability Act is an important step forward in juvenile justice policy. First, it has been shown that the decision-making ability and culpability of sixteen- and seventeen-year-olds are significantly lower than that of adults. Children are less likely to take the long-term consequences of their actions into consideration, and they do not account for the risks of their behavior as much as they consider the benefits. Young people are much more likely to be influenced by peer pressure. Because of these reasons, juveniles should not be held as accountable for their actions as adults.

Second, individuals in the juvenile justice system have access to many more court-ordered services than do individuals in the criminal justice system. In the juvenile system, each child is assigned a court counselor from the Department of Juvenile Justice and Delinquency Prevention (DJJDP) who assesses the child's situation and helps develop a personal treatment or rehabilitation plan. Court counselors have close relationships with the staff members of local youth-focused organizations, placing them in a position to closely monitor the children's participation in court-ordered activities. Additionally, a parent or guardian is required to attend all hearings involving their child and must be present in order for their child to be released from a detention center. Judges often order youth to receive services such as counseling and mentoring or participate in certain treatment programs; parents can be ordered to take classes on parenting skills. Juveniles are also required to attend school or take classes to obtain their GED.



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While the juvenile justice system focuses its efforts on rehabilitation, the criminal justice system uses its resources primarily to punish individuals for the crimes they commit. Sentences prescribed by the criminal courts usually involve either time in prison or community service. There are no court counselors, parents are not always involved, and rehabilitative services are rarely offered. The few services available to those involved in the criminal system are designed for adults, not children, meaning that many programs simply are not effective for the sixteen- and seventeen-year-olds who receive them.

Studies that have examined youth with similar characteristics in the criminal and juvenile justice systems have shown that the rehabilitative services offered through the juvenile court system tend to result in lower rearrest rates and longer time periods until rearrest. Sixteen- and seventeen-year-old children who go through the criminal justice system are also more likely to be rearrested for violent crimes. Experts have studied the deterrence effect of criminal justice laws on the amount of criminal acts committed, but these studies have had mixed results. There is not enough evidence to say that decreasing the amount of jail time experienced by sixteen- and seventeen-year-old offenders will influence the crime rate for first-time offenders.

Because of this reduction in recidivism, it seems likely that raising the age of juvenile jurisdiction will reduce long-term societal costs. Spending money to rehabilitate offenders early in their criminal careers will decrease the chance that money will need to be spent later on the same offenders. Several years ago, the state of Connecticut commissioned a cost-benefit analysis for its own proposed "Raise the Age" legislation. The economists predicted that the state would probably break even in the first year of implementation but that every year afterwards they would receive about \$3 for every \$1 they invested. Other studies, including one performed by the Washington State Institute for Public Policy, have shown that evidence-based early intervention and rehabilitation programs for youth offenders are some of the most cost-effective early intervention/prevention programs for young people. The evidence from other states suggests that North Carolina could reduce long-term societal costs by passing the Youth Accountability Act, but whether or not the state will actually save money depends a great deal on the final version of the law and how it is implemented. In addition, the cost savings that result from lower recidivism rates may not be realized until years after the law is put into practice.

Many who oppose the passage of the bill argue that the Mecklenburg County court system cannot handle such a large shift of resources from the criminal justice system to the juvenile justice system. These opponents point to recent county budget cuts, contending that the county will not be able to endure the short-term costs necessary to realize the long-term benefits. The juvenile court system would have to be expanded, and the number of courtrooms, attorneys, and judges in the system would need to increase in order to process the new sixteen- and seventeen-year-olds. However, the language of the act calls for a gradual shift in the age of juvenile jurisdiction, easing the burden on the system by spreading the costs over a number of years. A well-planned response to the bill on the part of all groups involved in its implementation would further mitigate the costs.

Conclusion



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The Youth Accountability Act is one of the most important juvenile justice policies to have the attention of the General Assembly in recent memory. If the act is passed in early 2011, local children will benefit enormously from the increased access to services, while the state will have implemented reforms that will likely save money in the long run.

However, much work still has to be done now, not only to advocate for the passage of the bill but also to prepare for the changes it entails. The Larry King Center, as the community's leading voice for long-term youth planning and policy issues, has a responsibility to take up much of this work, and educating the county about the consequences of the bill is the first step. A fall forum, if planned correctly, has the potential to bring together a community that has been, as of yet, only pushed apart by this bill. This unity is vital if Mecklenburg County is to be prepared for the implementation of this sweeping piece of legislation.