

## CFCR's Position on Raise the Age

*CFCR is actively engaged in implementation planning with a local group of juvenile justice stakeholders (including District Attorneys, Court Counselors, Law Enforcement, District Court Judges, etc.). This planning group is exploring opportunities to address procedural inaccuracies, estimating the cost of implementation at each decision point (arrest, intake, access to counsel, etc.), and identifying additional service providers that may be impacted (e.g. placements, mental health services, YFS, etc.) Further, the group is exploring opportunities to improve court efficiencies in preparation for the addition of 16- and 17-year-olds. We will continue dedicating resources to implementation as well as exploring other opportunities for juvenile justice reform.*

Beginning December 2019, North Carolina Raise the Age<sup>1</sup> (RTA) legislation will take effect; eliminating the state's practice of automatically treating 16- and 17-year-olds as adults for criminal purposes. In addition to raising the age, the bill mandates the creation of a school-justice partnership to reduce school-based court referrals; allows victims to request that the district attorney (DA) review the decision not to file a petition; increases access to information for law enforcement, DAs, and public defenders; adds a gang assessment to intake procedures and increases severity of punishment when charges are related to gang activity; and creates a Juvenile Justice Advisory Committee to monitor implementation and make recommendations to the North Carolina General Assembly (NCGA). In addition, the NCGA allocated \$13.2 million for a new Youth Development Center (prison) in Rockingham County.

While passing RTA legislation was a monumental step forward for North Carolina's Juvenile Justice System, [several concerns and procedural questions remain](#). Addressing these issues is critical to adequately and appropriately serving children and ensuring North Carolina does not raise the age in name alone. With the special transfer process for A-G felonies the DAs have the option to indict (i.e., formally charge in front of a grand jury) within 15 days or to hold a probable cause hearing. Currently, DAs rarely have adequate time and information about the case to make charging decisions within 15 days. By including additional youth in the juvenile justice system and allowing only 15 days for critical charging decisions, DAs may have no choice but to indict. Members of the Juvenile Justice Advisory Committee (JJAC) recommend that the time frame to indict be increased to 60 or 90 days. Further, CFRC endorses the recommendation to amend current legislation to include both prosecutorial and judicial discretion prior to the special transfer process. This modification could offer additional opportunities for the court to consider an individual case and the rehabilitative needs of a young person before seeking transfer to adult court; which is particularly critical in light of NC's "once an adult, always an adult" provision.

Under the enacted RTA legislation, a child with charges in adult court, whether for a motor vehicle offense, an A-G felony, or by discretion of the court, will stay in the adult court system for any future offense. Further, there is no mechanism by which to return youth to juvenile court once they've been transferred to the adult system. Considering short hearing timeframes that hinder DAs' ability to review the facts of a case and the inclusion of motor vehicle offenses (e.g., speeding tickets), the potential to improperly treat youth as adults is significant. Our children deserve a process through which their cases can be returned to juvenile court when appropriate.

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<sup>1</sup> passed in 2017 via [Senate Bill 257: Appropriations Act of 2017](#)

RTA legislation also grants law enforcement, DAs, and public defenders access to the current court database but other key personnel (e.g., paralegals) are not included. Additionally, the current system limitations make accessing and extracting the data difficult, meaning professionals have a fragmented and incomplete picture of children and their needs. Increasing access to data will fail to improve how children in the juvenile court system are served without specifically including professionals who handle case management and data analysis in the legislation.

There are several reasons why we've historically supported raising the age and why we believe additional reform will create more opportunities for our youth. Foundational is the research demonstrating that human brains continue to develop well into a person's twenties. While a cognitive ability to reason and understand may exist at age 16, the cognitive ability to control impulses and to make sound judgments is still lacking. Children are more prone to peer influence, impulse, and decisions that solely provide instant gratification. Limitations to impulse control are compounded by exposure to Adverse Childhood Experiences (ACEs)<sup>2</sup>, including trauma associated with poverty, violence, and racism.<sup>3</sup> Youthful offenders are more likely to report experiencing at least four ACEs.<sup>4</sup> Children who cannot grasp the long-term consequences of their actions or reliably regulate their impulses cannot and should not be held accountable as adults and suffer life-long consequences.<sup>5,6</sup>

Second, most offenses committed by children in North Carolina are misdemeanors. According to the [North Carolina Commission on the Administration of Law and Justice](#), "of the 5,689 16-and 17-year olds convicted in 2014, only 187—3.3% of the total—were convicted of higher level felonies (Class A-G). Lower level felonies (H & I) accounted for 16.3% of youth convictions. The vast majority of these youthful offenders—80.4%—were convicted of misdemeanors."<sup>7</sup>

Finally, several states have experienced cost savings as well as reductions in crime and recidivism. CFCR is currently conducting a financial analysis to determine potential cost savings and benefits of RTA in Mecklenburg County. After implementation, CFCR will continue to monitor cost savings and changes in rates of crime and recidivism in the juvenile court system.

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<sup>2</sup> Baglivio, M. T., Wolff, K. T., Piquero, A. R., & Epps, N. (2015). The Relationship between Adverse Childhood Experiences (ACE) and Juvenile Offending Trajectories in a Juvenile Offender Sample. *Journal of Criminal Justice*, 43, 3, 229-241.

<sup>3</sup> Child Trends. (2013). *Adverse Experiences: Indicators on Children and Youth*. Washington, DC.

<sup>4</sup> Baglivio, M.T., et al. (2014). The Prevalence of Adverse Childhood Experiences (ACE) in the Lives of Juvenile Offenders. *OJJDP Journal of Juvenile Justice*, 3(2), 1-23.

<sup>5</sup> Steinberg, L. (2009). Adolescent Development and Juvenile Justice. *Annual Review of Clinical Psychology*, 5, 459-485.

<sup>6</sup> Deitch, M., Breedon, R., & Weingarten, R. (2012). Seventeen, Going on Eighteen: An Operational and Fiscal Analysis of a Proposal to Raise the Age of Juvenile Jurisdiction in Texas. *American Journal of Criminal Law*, 40, 1.

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