



Juvenile Jurisdiction Advisory Committee (S.L. 2017-57) Juvenile Age Interim Report

Bill D. Davis, Co-Chair

Garry Frank, Co-Chair

January 15, 2021
Members of the North Carolina General Assembly
16 W. Jones Street
Raleigh, NC 27601

Dear Members of the North Carolina General Assembly,

Pursuant to S.L. 2017-57 [SECTION 16D.4.(rr)], *Juvenile Justice Reinvestment Act*, the Juvenile Jurisdiction Advisory Committee, “shall submit additional interim reports with updates on the planning steps completed towards implementation, including any legislative, administrative, and funding recommendations, annually by January 15 of each year.”

The members of the Juvenile Jurisdiction Advisory Committee extend their many thanks to the General Assembly for implementing previous legislative and funding recommendations, efforts which prepared North Carolina well for initial implementation of “Raise the Age.” As data is collected and analyzed against original projections, additional recommendations will be provided.

Legislative

The Committee recommends the following legislative recommendations:

- [Conforming changes, including YDC Commitment Age for 16- and 17-year-olds;](#)
- [Conforming amendments to G.S. 7B-2514\(c\), G.S. 7B-2516\(c\), and G.S. 7B-2600\(c\);](#)
- [Proposal to allow transfer to superior court youth to be housed in juvenile detention post-sentencing: G.S. § 7B-2204\(d\); and](#)
- [Procedures for Secure Custody Order on Remand.](#)

The Legislative Revisions and Legal Issues Subcommittee met to develop a full list of issues brought forward through personal or stakeholder experience in navigating “Raise the Age” implementation. Those issues are included later in this report, and language is being drafted by the Committee’s Legislative Revisions and Legal Issues subcommittee for additional, specific statutory revision recommendations. Also included in this report is a list of previous legislative recommendations.

Funding

The Committee recommends funding the following unmet previous recommendations:

- 1) Juvenile Justice:
 - \$6.7 million for juvenile detention beds.
 - Allow for continued conversion of appropriated funds into juvenile detention center personnel, in order to remain flexible in meeting detention bed needs.
 - The committee recommends funding Rockingham Youth Development Center start-up and operating costs upon opening; and funding needed repairs and renovations for opening additional detention beds.
- 2) Office of the Juvenile Defender: \$110,000 beginning Jan. 1, 2022, for one FTE, to support the agencies in developing additional juvenile delinquency contracts.
- 3) The Conference of District Attorneys: \$125,589 recurring and \$3,752 non-recurring.

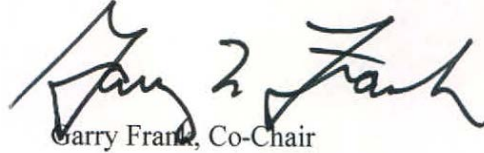
- 4) The courts' existing deficiencies at a cost of \$8,379,921 and non-recurring cost of \$744,098 in FY 21; annualized at \$16,759,842 recurring and \$744,098 non-recurring in FY22.

Please find the Juvenile Age Interim Report attached.

Sincerely,



Bill D. Davis, Co-Chair



Garry Frank, Co-Chair

Juvenile Jurisdiction Advisory Committee Members (Name, City, Appointed by):

BETTY BUDD

Arden - President Pro
Tempore of the Senate

RUBY BROWN HERRING

Raleigh - Ex-officio
designee

TARRAH E. CALLAHAN

Raleigh - Speaker of the
House of Representatives

DARREN E. CAMPBELL

Statesville - Speaker of the
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of Public Defenders

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District Attorneys

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ERIC ZOGRY

Raleigh - Ex-officio

cc: Joint Legislative Oversight Committee on Justice and Public Safety
Senate Appropriations Committee on Justice and Public Safety
House Appropriations Committee on Justice and Public Safety

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JJAC Report Data Note: Please note that data in this report is produced for timely notification and that data quality assurance practices may alter the counts slightly over time.

I. Juvenile Jurisdiction Advisory Committee Legislative Recommendations to implement S.L. 2017-57, Juvenile Justice Reinvestment Act

The Juvenile Jurisdiction Advisory Committee operates four subcommittees, which work towards developing implementation strategies and solutions. Those committees are: (1) the Legislative and Legal Issues subcommittee; (2) the Housing of Transfers subcommittee; (3) the School-Justice Partnerships subcommittee; and (4) the Minimum Age subcommittee.

Juvenile Jurisdiction Advisory Committee members volunteered for one or more of the subcommittees. Members added advisory members, who are unable to vote on recommendations, but act in a resource/expertise-supportive role.

The Legislative and Legal Issues subcommittee chaired by Heather Taraska, Assistant District Attorney in Mecklenburg County, developed a list of potential system/implementation gaps to be addressed through statutory modification.

The following list represents statutory changes recommended by the Juvenile Jurisdiction Advisory Committee.

A. Conforming changes, including YDC Commitment Age for 16- and 17-year-olds

These changes are necessary to allow for extended commitments to Youth Development Centers (YDC) when youth are adjudicated delinquent for committing the most serious felony offenses at ages 16 and 17. The changes mirror the existing law that allows for extended commitments when youth are adjudicated delinquent for committing these offenses under the age of 16. If enacted, these changes will allow for commitment to a YDC to age 21 following adjudication for first-degree murder, first-degree forcible rape, first-degree statutory rape, first-degree forcible sexual offense, and first-degree statutory sexual offense. Extended commitments of one year beyond the usual commitment period will be allowed for adjudication for other Class B1 – Class E felony offenses. Under the current statutory structure, youth can only be adjudicated delinquent for committing these offenses at ages 16 and 17 after the case is initially transferred to superior court for criminal trial and then remanded back to juvenile court as a result of a joint motion by the prosecutor and the juvenile’s attorney. Otherwise, these cases must be transferred to superior court and resolved as criminal matters.

§ 7B-2513. Commitment of delinquent juvenile to Division.

(a) Pursuant to G.S. 7B-2506 and G.S. 7B-2508, the court may commit a delinquent juvenile who is at least 10 years of age to the Division for placement in a youth development center. Commitment shall be for an indefinite term of at least six months.

(a1) For an offense the juvenile committed prior to reaching the age of 16 years, the term shall not exceed:

- (1) The twenty-first birthday of the juvenile if the juvenile has been committed to the Division for an offense that would be first-degree murder pursuant to G.S. 14-17, first-degree forcible rape pursuant to G.S. 14-27.21, first-degree

statutory rape pursuant to G.S. 14-27.24, first-degree forcible sexual offense pursuant to G.S. 14-27.26, or first-degree statutory sexual offense pursuant to G.S. 14-27.29 if committed by an adult;

- (2) The nineteenth birthday of the juvenile if the juvenile has been committed to the Division for an offense that would be a Class B1, B2, C, D, or E felony if committed by an adult, other than an offense set forth in subdivision (1) of this subsection; or
- (3) The eighteenth birthday of the juvenile if the juvenile has been committed to the Division for an offense other than an offense that would be a Class A, B1, B2, C, D, or E felony if committed by an adult.

(a2) For an offense the juvenile committed while the juvenile was at least 16 years of age but less than 17 years of age, the term shall not exceed:

- (1) The twenty-first birthday of the juvenile if the juvenile has been committed to the Division for an offense that would be first-degree murder pursuant to G.S. 14-17, first-degree forcible rape pursuant to G.S. 14-27.21, first-degree statutory rape pursuant to G.S. 14-27.24, first-degree forcible sexual offense pursuant to G.S. 14-27.26, or first-degree statutory sexual offense pursuant to G.S. 14-27.29 if committed by an adult; or
- (2) The twentieth birthday of the juvenile if the juvenile has been committed to the Division for an offense that would be a Class B1, B2, C, D, or E felony if committed by an adult, other than an offense set forth in subdivision (1) of this subsection; or
- (3) The nineteenth birthday if the juvenile has been committed to the Division for an offense other than an offense that would be a Class A, B1, B2, C, D or E felony if committed by an adult.

(a3) For an offense the juvenile committed while the juvenile was at least 17 years of age, the term shall not exceed:

- (1) The twenty-first birthday of the juvenile if the juvenile has been committed to the Division for an offense that would be a Class A, B1, B2, C, D, or E felony if committed by an adult; or
- (2) The twentieth birthday if the juvenile has been committed to the Division for an offense other than an offense that would be a Class A, B1, B2, C, D or E felony if committed by an adult.

(a4) No juvenile shall be committed to a youth development center beyond the minimum six-month commitment for a period of time in excess of the maximum term of imprisonment for which an adult in prior record level VI for felonies or in prior conviction level III for misdemeanors could be sentenced for the same offense, except when the Division pursuant to G.S. 7B-2515 determines that the juvenile's commitment needs to be continued for an additional period of time to continue care or treatment under the plan of care or treatment developed under subsection (f) of this section. At the time of commitment to a youth development center, the court shall determine the maximum period of time the juvenile may remain committed before a determination must be made by the Division pursuant to G.S. 7B-2515 and shall notify the juvenile of that determination.

§ 7B-1601. Jurisdiction over delinquent juveniles.

(b1) When the court obtains jurisdiction over a juvenile alleged to be delinquent for an offense committed while the juvenile was at least 16 years of age but less than 17 years of age, jurisdiction shall continue until terminated by order of the court or until the juvenile reaches the age of 19 years, except as provided otherwise in this Article. If the offense was committed while the juvenile was at least 17 years of age, jurisdiction shall continue until terminated by order of the court or until the juvenile reaches the age of 20 years, except as provided otherwise in this Article.

§ 7B-1602. Extended jurisdiction over a delinquent juvenile under certain circumstances.

(a) When a juvenile is committed to the Division for placement in a youth development center for an offense that would be first degree murder pursuant to G.S. 14-17, first-degree forcible rape pursuant to G.S. 14-27.21, first-degree statutory rape pursuant to G.S. 14-27.24, first-degree forcible sexual offense pursuant to G.S. 14-27.26, or first-degree statutory sexual offense pursuant to G.S. 14-27.29 if committed by an adult, jurisdiction shall continue until terminated by order of the court or until the juvenile reaches the age of 21 years, whichever occurs first.

(b) When a juvenile is committed to the Division for placement in a youth development center for an offense committed under the age of 16 that would be a Class B1, B2, C, D, or E felony if committed by an adult, other than an offense set forth in subsection (a) of this section, jurisdiction shall continue until terminated by order of the court or until the juvenile reaches the age of 19 years, whichever occurs first. (1979, c. 815, s. 1; 1981, c. 469, s. 4; 1996, 2nd Ex. Sess., c. 18, s. 23.2(d); 1998-202, s. 6; 2000-137, s. 3; 2001-95, s. 5; 2011-145, s. 19.1(l); 2015-181, s. 25.)

(c) When a juvenile is committed to the Division for placement in a youth development center for an offense committed while the juvenile was at least 16 years of age but less than 17 years of age that would be a Class B1, B2, C, D, or E felony if committed by an adult, other than an offense set forth in subsection (a) of this section, jurisdiction shall continue until terminated by order of the court or until the juvenile reaches the age of 20 years, whichever occurs first.

(d) When a juvenile is committed to the Division for placement in a youth development center for an offense committed while at least 17 years of age that would be a Class B1, B2, C, D, or E felony if committed by an adult, other than an offense set forth in subsection (a) of this section, jurisdiction shall continue until terminated by order of the court or until the juvenile reaches the age of 21 years, whichever occurs first.

B. Conforming amendments to G.S. 7B-2514(c), G.S. 7B-2516(c), and G.S. 7B-2600(c)

The amendments to G.S. 7B-2514 and G.S. 7B-2516 are necessary to conform the existing requirements for a minimum period on post-release supervision and time spent at a Youth Development Center following any revocation of post-release supervision to the extended commitment periods for the most serious felony offenses committed at ages 16 and 17. The amendment to G.S. 7B-2600(c) is necessary to provide the court authority to modify or vacate

any order of disposition issued in a delinquency matter throughout the entire time that the court has jurisdiction over the case, including any period of extended commitment.

§ 7B-2514. Post-release supervision planning; release.

(c) The Division shall release a juvenile under a plan of post-release supervision at least 90 days prior to:

- (1) Completion of the juvenile's definite term of commitment; or
- (2) The juvenile's twenty-first birthday if the juvenile has been committed to the Division for an offense that would be first-degree murder pursuant to G.S. 14-17, first-degree forcible rape pursuant to G.S. 14-27.21, first-degree statutory rape pursuant to G.S. 14-27.24, first-degree forcible sexual offense pursuant to G.S. 14-27.26, or first-degree statutory sexual offense pursuant to G.S. 14-27.29 if committed by an adult; or
- (3) If the juvenile has been committed to the Division for an offense that would be a Class B1, B2, C, D, or E felony if committed by an adult, other than an offense set forth in G.S. 7B-1602(a):
 - a. The juvenile's nineteenth birthday if the juvenile committed the offense prior to reaching the age of 16 years,
 - b. The juvenile's twentieth birthday if the juvenile committed the offense while the juvenile was at least 16 years of age but less than 17, or
 - c. The juvenile's twenty-first birthday if the juvenile committed the offense while the juvenile was at least 17 years of age; or
- (4) If the juvenile has been committed to the Division for an offense other than an offense that would be a Class A, B1, B2, C, D, or E felony if committed by an adult:
 - a. The eighteenth birthday of the juvenile if the juvenile committed the offense prior to reaching the age of 16 years,
 - b. The nineteenth birthday of the juvenile if the juvenile committed the offense while the juvenile was at least 16 years of age but less than 17 years of age, or
 - c. The twentieth birthday of the juvenile if the juvenile committed the offense while the juvenile was at least 17 years of age.

§ 7B-2516. Revocation of post-release supervision.

(c) If the court revokes post-release supervision, the juvenile shall be returned to the Division for placement in a youth development center for an indefinite term of at least 90 days, provided, however, that no juvenile shall remain committed to the Division for placement in a youth development center past the maximum term of commitment allowed pursuant to G.S. 7B-2513(a1), G.S. 7B-2513(a2), and G.S. 7B-2513(a3).

§ 7B-2600. Authority to modify or vacate.

(c) In any case where the court finds the juvenile to be undisciplined, the jurisdiction of the court to modify any order or disposition made in the case shall continue during the minority of the juvenile or until terminated by order of the court.

(d) In any case where the court finds the juvenile to be delinquent, the jurisdiction of the court to modify any order of disposition made in the case shall continue:

(i) until the juvenile reaches the age of eighteen for an offense committed prior to reaching the age of 16,

(ii) until the juvenile reaches the age of nineteen for an offense committed offense while the juvenile was at least 16 years of age but less than 17 years of age, or

(iii) until the juvenile reaches the age of twenty for an offense committed while the juvenile was at least 17 years of age; or

(iv) if the juvenile was committed to the Division for placement in a youth development center, until the juvenile reaches the maximum term of commitment as authorized pursuant to G.S. 7B-2513(a1), G.S. 7B-2513(a2), and G.S. 7B-2513(a3); or

(v) until terminated by order of the court.

C. Proposal to allow transfer to superior court youth to be housed in detention post-sentencing: NCGS § 7B-2204(d)

This amendment is necessary to allow youth under the age of 18 to be temporarily housed at a juvenile detention center while awaiting transfer to a correctional facility following a criminal court sentence to imprisonment in a prison facility. This change is necessary to eliminate the use of jails for youth under the age of 18 as intended under S.L. 2020-83 (H 593).

§ 7B-2204 (d) reads as rewritten:

(d) Should the juvenile be found guilty, or enter a plea of guilty or no contest to a criminal offense in superior court and receive an active sentence, then immediate transfer to the Division of Adult Correction and Juvenile Justice of the Department of Public Safety shall be ordered. Until such time as the juvenile is transferred to the Division of Adult Correction and Juvenile Justice of the Department of Public Safety, the juvenile may be detained in a holdover facility or detention facility approved by the Juvenile Justice Section. ~~The juvenile may not be detained in a detention facility pending transfer to the Division of Adult Correction and Juvenile Justice of the Department of Public Safety, unless the detention facility is operated by the sheriff pursuant to G.S. 7B-1905(b).~~”

D. Secure Custody Order on Remand

These changes provide authority to hold a juvenile in detention following remand of their case from criminal court back to juvenile court. If the juvenile is going to be confined immediately following remand, a secure custody order must be issued under the law that governs juvenile cases. These changes allow the superior court to issue such an order at the time of remand and ensures that the order is issued pursuant to existing law regarding issuance of a secure custody

order. The changes also require a subsequent hearing on the need for secure custody within 10 calendar days and then place the case on the schedule for ongoing hearings on the need for continued secure custody that applies to all other delinquency cases. The changes to G.S. 7B-2200.5 ensure the juvenile court counselor receives notice of remand of a case from superior court to juvenile court and notice of any secure custody order issued at the time of remand.

§ 7A-271. Jurisdiction of superior court

(g) The superior court has jurisdiction to issue a secure custody order pursuant to G.S. 7B-1903 when a juvenile matter that has been transferred to superior court is remanded to district court pursuant to G.S. 7B-2200.5(d).

§ 7B-1902, Authority to issue secure custody orders.

In the case of any juvenile alleged to be within the jurisdiction of the court, when the court finds it necessary to place the juvenile in custody, the court may order that the juvenile be placed in secure or nonsecure custody pursuant to criteria set out in G.S. 7B-1903.

Any district court judge may issue secure and nonsecure custody orders pursuant to G.S. 7B-1903. The chief district court judge may delegate the court's authority to the chief court counselor or the chief court counselor's counseling staff by administrative order filed in the office of the clerk of superior court. The administrative order shall specify which persons may be contacted for approval of a secure or nonsecure custody order. The chief district court judge shall not delegate the court's authority to detain or house juveniles in holdover facilities pursuant to G.S. 7B-1905 or G.S. 7B-2513.

Any superior court judge may issue secure custody orders pursuant to G.S. 7B-1903 when a juvenile matter that has been transferred to superior court is remanded to district court pursuant to G.S. 7B-2200.5(d).

§ 7B-1906. Secure or nonsecure custody hearings.

(b2) A hearing to determine the need for continued secure custody shall be held no more than 10 calendar days following the issuance of a secure custody order on remand of the matter from superior court pursuant to G.S. 7B-2200.5(d). A hearing conducted under this subsection may not be continued or waived. Subsequent hearings on the need for continued secure custody shall be held pursuant to subsection (b1) of this section. The district court has authority to modify any secure custody order pursuant to the provisions of this section following the issuance of such order by the superior court.

SECTION 8.(a) G.S. 7B-2200.5 reads as rewritten:

"§ 7B-2200.5. Transfer of jurisdiction of a juvenile at least 16 years of age to superior court.

(a) If a juvenile was 16 years of age or older at the time the juvenile allegedly committed an offense that would be a Class A, B1, B2, C, D, E, F, or G felony if committed by an adult, the court shall transfer jurisdiction over the juvenile to superior court for trial as in the case of adults after either of the following:

- (1) Notice to the juvenile and a finding by the court that a bill of indictment has been returned against the juvenile charging the commission of an offense that constitutes a Class A, B1, B2, C, D, E, F, or G felony if committed by an adult.
 - (2) Notice, hearing, and a finding of probable cause that the juvenile committed an offense that constitutes a Class A, B1, B2, C, D, E, F, or G felony if committed by an adult.
- (b) If the juvenile was 16 years of age or older at the time the juvenile allegedly committed an offense that would be a Class H or I felony if committed by an adult, after notice, hearing, and a finding of probable cause, the court may, upon motion of the prosecutor or the juvenile's attorney or upon its own motion, transfer jurisdiction over a juvenile to superior court pursuant to G.S. 7B-2203.
- (c) A probable cause hearing conducted pursuant to subdivision (2) of subsection (a) of this section shall be conducted within 90 days of the date of the juvenile's first appearance. The court may continue the hearing for good cause.
- (d) In any case where jurisdiction over a juvenile has been transferred to superior court, upon joint motion of the prosecutor and the juvenile's attorney, the superior court shall remand the case to district court. The prosecutor shall provide the chief court counselor or his or her designee with a copy of the joint motion prior to submitting such motion to the court. The superior court, shall expunge the superior court record in accordance with G.S. 15A-145.8 at the time of remand, and, if the juvenile meets the criteria established in G.S. 7B-1903, may issue an order for secure custody upon the request of a prosecutor. The prosecutor shall as soon as possible and no more than 24 hours after the order is issued provide a copy of any secure custody order issued to the chief court counselor or his or her designee.

E. Future Issues

The following list represents issues brought to the Legislative Revisions and Legal Issues subcommittee for continued discussion and consideration.

- Giving superior court judges authority to close court for juvenile cases
- Giving legal assistants access to the Court Information Public Records Search (CIPRS)
- The indictment process and confidentiality requirements
- How are pretrial release conditions set? G.S. 7B-2204 provides that once the transfer order is entered, the juvenile has the right to pretrial release as provided in G.S. 15A-533 and G.S. 15A-534. The statute implies that conditions of release must be ordered immediately, but it does not explicitly mandate the district court judge to order conditions of release. Additionally, how/where can bond be posted?
- What happens to the audio in superior court upon remand?
- Should there be a process to allow for Felony A-G youth aged 16/17 at time of delinquent offense to remain in juvenile court instead of pursuing transfer and remand?
- What are the notice requirements for transfers to superior court?
- Is a transfer hearing required for transfer? G.S. 7B-2200.5(a) does not explicitly refer to a hearing.
- What happens if juveniles fail to appear in superior court or otherwise violate conditions of release? This process is not explicitly defined in the statute.
- What is the appeal of transfer decisions process?

- Are Prayer for Judgement Continued (PJC)s or conditional discharges counted as convictions?
- What is the gang enhancement hearing process?
- The subcommittee is planning to discuss videoconferencing requirements.
- There is no clear, statutory guidance on who is responsible for determining that a juvenile must be charged as an adult due to prior convictions. NC DPS has adopted a policy and the NC Justice Academy has adopted training that encourages law enforcement officers to consult a court counselor before processing the juvenile as an adult. However, in the absence of a mandate, there will likely be inconsistent practices throughout the state. Also, what documentation is sufficient to establish conviction? Does a conviction need to be part of a pleading? Also, should there be statutory guidance for how to handle dual jurisdiction cases?
- The subcommittee plans to discuss returning felony Chapter 20 motor vehicle offenses to the jurisdiction of juvenile court.
- Proposal to move G.S. 20-107, Tampering with a Motor Vehicle, to juvenile court.
- 50B statute requires that individuals who violate a domestic violence protection order (DVPO) be arrested and taken into custody, which is at odds with language in Juvenile Code regarding secure custody orders.
- How does case law for youth emancipated at age 18 impact juvenile court jurisdiction until age 19 or 20?
- Expunction time for petitions that have been dismissed refers to a delinquent who has attained the age of 16 and should be changed to 18 [G.S. 7B-3200(h)].
- Juvenile sex offender registration statute terminates on the juvenile's 18th birthday or when the jurisdiction of the juvenile court ends, whichever occurs first. This needs a conforming amendment for RTA (G.S. 14-208.30).

F. Remaining Issues

The following list represents Committee-recommended legislative changes that have not yet been included in statute.

- Recommendation that all school safety conversations must include School Justice Partnerships as part of the discussion.
- Recommendation that DPS work with the Administrative Office of the Courts, with input via electronic communication from Juvenile Jurisdiction Advisory Committee members, to develop statutory language that permits legal assistants to access applicable JWisE information.

The Administrative Office of the Courts updated the Juvenile Jurisdiction Advisory Committee regarding being able to affect legal assistants' access to JWIS E effective July 1, 2024. The needed delay is attributable to AOC's building of Odyssey and its projected statewide completion. As resources are dedicated to building Odyssey, adequate resources are not currently available to modify a legacy system (i.e., Juvenile CIPRS).

II. Funding

1. Juvenile Justice: Original projections for juvenile detention beds resulted in the committee requesting \$13.4 million for 300 new juvenile detention beds needed to support Raise the Age. The General Assembly funded half of the original projection at \$6.7 million for supporting operations. The committee recommends fully funding juvenile detention bed projections at an additional \$6.7 million.

NOTE: The cost estimate is based on 300 beds for 365 days a year at full cost of \$244/day divided by 2 as the state pays half of the daily cost and the county pays half of the daily cost to detain.

- Allow for continued conversion of appropriated funds into juvenile detention center personnel, in order to remain flexible in meeting detention bed needs.
 - The committee recommends funding Rockingham Youth Development Center start-up and operating costs upon opening; and funding needed repairs and renovations for opening additional detention beds.
2. Office of the Juvenile Defender: \$110,000 beginning Jan. 1, 2022, for one FTE, to support the agencies in developing additional juvenile delinquency contracts.
 - Juvenile Contracts Administrator (\$110,000 annualized recurring): The Committee recommends funding the NC Office of the Juvenile Defender, Office of Indigent Defense Services in the amount of \$110,000 annualized recurring cost, beginning Jan. 1, 2022, for one FTE, to support the agencies in developing additional juvenile delinquency contracts anticipated by the implementation of the Juvenile Justice Reinvestment Act. Current staffing will be unable to manage the adult criminal and other specialized contracts with the anticipated increase in juvenile delinquency contracts.
 3. The courts' existing deficiencies at a cost of \$8,379,921 and non-recurring cost of \$744,098 in FY 21; annualized at \$16,759,842 recurring and \$744,098 non-recurring in FY22.
 4. The Conference of District Attorneys: \$125,589 recurring and \$3,752 non-recurring.
 - Resource Prosecutor (\$125,589 Recurring, and \$3,752 Non-Recurring FY20): The Committee recommends funding one Juvenile Court Resource Prosecutor in the NC Conference of District Attorneys' Office at a recurring cost of \$125,589 and non-recurring cost of \$3,752, to support district attorneys statewide in administration of juvenile law and process.
 - The Resource Prosecutor will develop training materials such as legal updates, articles, a technical support listserv, a manual, online resources and in-person presentations. Training topics will include victim rights, best practices in juvenile court, prosecuting juveniles on child sex crimes, the process of transfer to adult

court, and due process procedures for juveniles. Dedicated prosecutor training is essential because juvenile court has separate evidentiary, criminal procedure, ethical and confidentiality rules from the adult criminal system. In addition, specialized skills, knowledge and abilities in the areas of mental health and child welfare, child sex offenders and adolescent development are required to serve the Juvenile Justice Reinvestment Act with consideration to the dual obligations of community safety and serving the needs and best interests of the juvenile. This request is especially important now as there exists (1) high turnover rates of Juvenile Court Assistant District Attorneys (almost 50% of prosecutors have less than five years of experience); (2) technical support continues to be in high demand with implementation of the new law; (3) a widespread understanding of the permissible use of JWISE information is needed now that all prosecutors have access to that information through CIPRS, and since legal assistants may soon have access; (4) lack of uniformity in procedures and outcomes across NC juvenile courts needs to be addressed through training; and (5) AOC and NCDPS need a point person to help disseminate important information to prosecutors about new programs, new forms, new software, etc..

5. The Administrative Office of the Courts developed, at the request of the Juvenile Jurisdiction Advisory Committee, a method to indicate which counties would receive positions if allocation is determined by impact from “Raise the Age” implementation. Reference the Juvenile Jurisdiction Advisory Committee’s [2020 Interim Report](#) Appendix for additional detail.

III. Other Subcommittee Reports

The Minimum Age subcommittee of the Juvenile Jurisdiction Advisory Committee (JJAC) is chaired by Judge J. Corpening. Subcommittee membership includes the following voting members: Ruby Brown-Herring, Tarrah Callahan, Krista Hiatt, William Lassiter, Kym Martin, Carol McManus, Mary Stansell, Heather Taraska, and Eric Zogry. The subcommittee is advised by Dr. Cindy Cottle, Dr. Therese Garrett, Jacqui Greene, Lyana Hunter, Dr. Peter Kuhns, Rachel Larsen, LaToya Powell, and Dr. Maureen Reardon.

The inaugural meeting of the subcommittee was held January 31, 2020. The committee subsequently met on September 4, October 3, October 22, November 6, and November 19, 2020. The committee heard presentations from:

- Jacqui Greene, Assistant Professor of Public Law and Government at UNC-CH School of Government, on the history of juvenile minimum ages, competency/capacity considerations, and the school responder model
- Erin Hickey, NC Juvenile Justice, on current nationwide minimum age practices and system alternatives
- Dr. Cindy Cottle and Dr. Therese Garrett on pre-adolescent development and developmental intersections with juvenile justice procedures, and the impact of trauma on maturity and executive function

- Jon Powell, Director of the Restorative Justice Clinic at Norman Adrian Wiggins School of Law, Campbell University, on restorative justice

The minimum age subcommittee is exploring other states' use of Health and Human Services' programs, expansion of JCPC authorization to serve at risk youth inclusive of the lower age groups, and targeted programming and pathways to existing programming for the offenses most common amongst the younger population including school-based services that would yield positive outcomes for the predominately school-referred age group. Mobile crisis units, building out community partnerships to limit barriers to services, and community responder models are under consideration. The committee is consulting with stakeholders to craft formal recommendations.

IV. A Brief Legislative History of the Juvenile Justice Reinvestment Act (JJRA)

S.L. 2017-57, Juvenile Justice Reinvestment Act (JJRA) raised the age of juvenile jurisdiction for most delinquent offenses to include juveniles ages 16 and 17 at age of offense. JJRA created an entity called the Juvenile Jurisdiction Advisory Committee, which meets four times a year to craft recommendations for the General Assembly in the areas of administration, legislation, and funding.

Equipped with a systemic policy change, bipartisan support in the NC General Assembly, and an army of dedicated and invested stakeholders, Juvenile Justice commenced with planning and implementation. JJRA provided planning funding to secure business analytics systems that would later report daily progress throughout implementation; much of this data is illustrated in this report. Planning funds also allowed for extensive training and awareness sessions across the state and a partnership with UNC-School of Government for resource development including a training manual, new process flowchart, and a law enforcement reference card for police vehicles as well as revising BLET (Basic Law Enforcement Training) curriculum. Funds also supported convening the Juvenile Jurisdiction Advisory Committee and costs associated with advisement from experts who previously implemented "Raise the Age," such as in Illinois, New York, and Louisiana (April 2019 JJAC meeting).

- SESSION LAW 2017-57, S257: The Juvenile Justice Reinvestment Act raised the age of juvenile jurisdiction, added juvenile gang suppression provisions to delinquency proceedings, enhanced victims' rights and law enforcement access to certain juvenile information, created a Juvenile Jurisdiction Advisory Committee to guide implementation through 2023, and empowered the Administrative Office of the Courts to convene School Justice Partnerships and create relevant policy. SL 2017-57 provided non-recurring JJRA planning money (\$519,600 in FY18 and \$478,000 in FY 19).
- SESSION LAW 2018-5, S99: Provided partial fiscal year funding (beginning May 9, 2019) for positions- 40 Court Counselors, 15 Court Counselor Supervisors, and 10 Office Assistants.

- SESSION LAW 2019-41, H617: Allows juveniles to be referred to and participate in teen court more than once
- SESSION LAW 2019-186, S413:
 - Clarified that motor vehicle offenses are offenses contained in chapter 20 of the General Statutes and that a previous misdemeanor motor vehicle conviction (other than a conviction for an impaired driving offense) does not disqualify a youth from future juvenile jurisdiction.
 - Set an age requirement for receiving the gang assessment to those youth who are at least 12 years old.
 - Allows for persons aged 18 or older, who have cases that were transferred from juvenile court to criminal court for prosecution, to be housed in county jail.
 - Established elongated timelines for secure custody hearings (30 days) and probable cause hearings (90 days) for youth charged with committing Class A – G felonies at ages 16 and 17
 - Allows for a transfer to superior court youth to be remanded back to the juvenile system upon joint motion of the prosecutor and juvenile’s attorney, with superior court record expunged
 - Requires expunction of DNA records upon dismissal
 - Reaffirmed Juvenile Justice’s role in transporting juveniles from detention to court, from holdover to court and back to detention, and to the sheriff’s office upon turning 18 if awaiting completion of proceedings in superior court
 - Sets the standard for increasing a juvenile disposition level based on criminal gang activity finding as beyond a reasonable doubt
 - Recodification of G.S. 20-106 to G.S. 14-71.2, removed *Possession of Stolen Vehicle* from Chapter 20
- SESSION LAW 2019-229, H1001 provided funding and positions for RtA including assistant district attorneys, judges, deputy clerks, legal assistants, a resource trainer to privately assigned counsel for juveniles in Indigent Defense, and Juvenile Justice positions [training, research, IT, HR, field support, transportation, school counselors, community programs contract management and technical assistance, and 97 juvenile court counselors and renewal of original 65 new juvenile court counselors (162 total)]. Funding to buy transport vans, increase detention bed capacity, provide vocational services and career planning, augment Level II community based and residential programs, and increase Juvenile Crime Prevention Council funding used to support local programming was also included.
- SESSION LAW 2019-242, H111: This amendment was a budgetary correction to ensure that the continued funding of 65 court counselors was not double-billed to the state.
- SESSION LAW 2020-15, H1187: provided \$10,440,000 in NR funding from FY21 sources. Capital improvements at Perquimans Detention Center and CA Dillon Youth Development Center; and inmate construction funding at the future Rockingham Youth Development Center. Use of funds expires 8/1/22 or upon completion of Rockingham build.
- SESSION LAW 2020-35, S562: Allows for the expunction of misdemeanors and H/I felonies convictions when the offense was committed while the individual was at least 16

years of age and younger than 18 years of age. In order to be eligible for expunction, the offense must have occurred prior to December 1, 2019. Motor vehicle offenses (Chapter 20) including offenses involving impaired driving (20-4.01(24a), and offenses requiring sex offender registration (Article 27A of Chapter 14) are not eligible for expunction. An expunction petition fee is set at \$175.

- SESSION LAW 2020-83, H593:
 - Defined intensive intervention services within the community programs context
 - Adjusted JCPC membership
 - Changes the JCPC funding cycle from every year to every 2 years
 - Allows for multi-district program collaboratives
 - Effective August 1, 2020, every criminal court youth ordered into secure custody pre-trial will be housed in a juvenile detention center instead of a county jail until (s)he is released, bonded out, or reaches the age of 18 upon which time the youth will be transported to county jail. Youth under the age of 18 who are ordered to a term of imprisonment in a county jail as a result of a criminal court matter will serve that time in a juvenile detention facility as long as they remain under the age of 18.
 - For a criminal court youth under the age of 18, all terms of imprisonment related to underlying felony offenses or violations of felony probation will be served at Foothills unless it is a split sentence (also known as special probation). Those split sentence youth are held in juvenile detention.

V. Systemwide Data

The impact of “Raise the Age” on other entities is still as yet to be determined, partly due to reporting timeframes for various agencies and partly due to the effects of the pandemic. Preliminary data reflecting convictions and arrests for youth under age 18 does indicate a continuing decline over the past five years.

A. NC Demographer

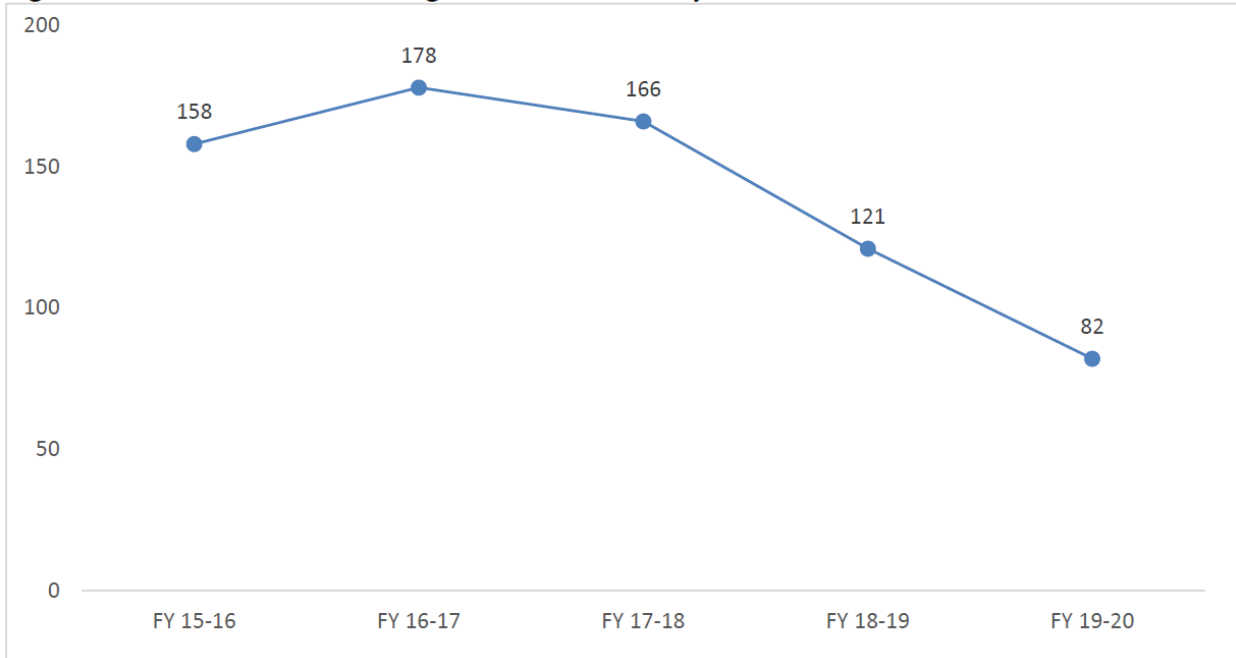
The youth population (ages 10-15) is projected to decrease 2.7% between 2019 and 2025; and the RtA age population (ages 16-17) is expected to increase 4.8% between 2019 and 2025.

B. Adult Correction

Adult Correction reports a decline in prison entries and average daily population for persons under age 18 during fiscal year 2019-2020. During FY20, 82 prison admissions were received for youth under age 18, representing a 48% decline since FY16 (the year from which all agencies projected Raise the Age impact).¹

¹ Department of Public Safety, Adult Correction Reentry, Programs and Services. 2020. Prison Entries and Average daily population under age 18 trend (SR1612-08rev02).

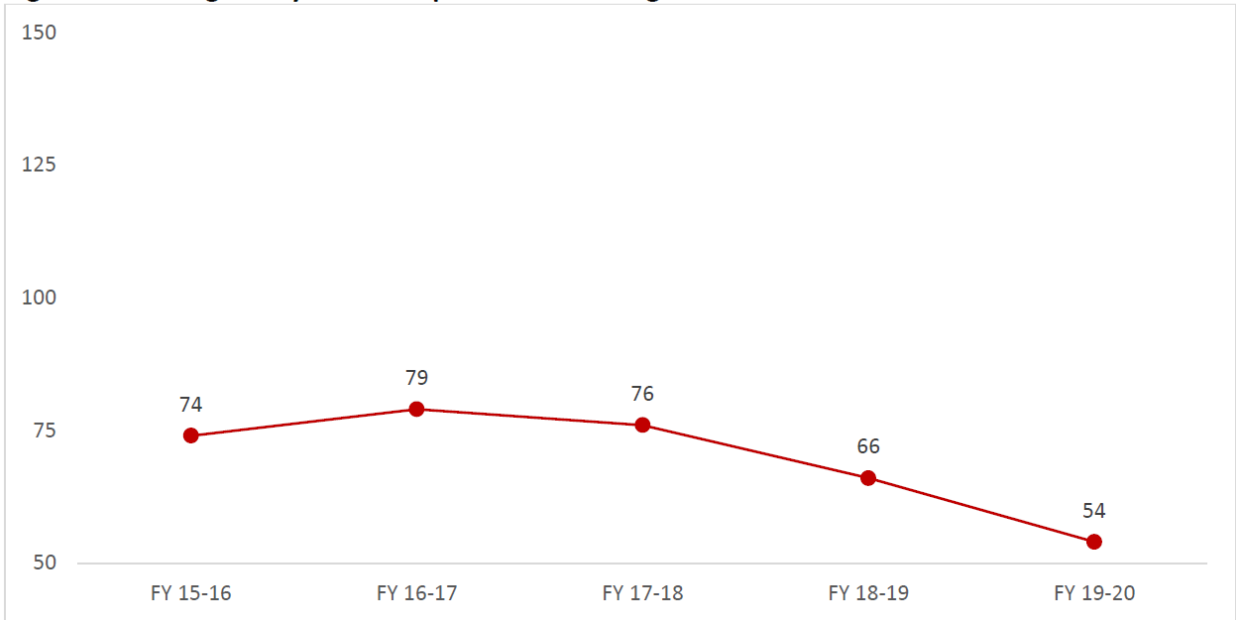
Figure 1: Prison Entries under age 18 on Prison Entry date



NOTE: These calculations year over year do not include safekeepers, CRV misdemeanor probation and CRV felony probation youth. For perspective, there were 32 youth younger than age 18 who entered prison as safekeepers, CRV misdemeanor probation, or CRV felony probation in FY20.

A 27% decline in average daily population for youth in prisons was seen from FY 16 to FY20.

Figure 2: Average daily Prison Population under age 18



C. Transfers to Superior Court

Regarding transfers to superior court, Juvenile Justice looked at Raise the Age (RtA) youth with at least one complaint transferred to superior court between December 1, 2019 and November 30, 2020. There were 245 distinct RtA juveniles transferred during this time period with 701 complaints. This reflects an average complaints per youth of 2.86. Though, outliers do exist where significantly more complaints per juvenile were transferred.

Misdemeanors can be coupled with felonies upon transfer and thus all 701 complaints are not felony class A-G offenses. 73% of the total complaints transferred were for felony class A-G offenses. 5% of transfers were discretionary, meaning they were for a most serious offense in the felony class H or I category.

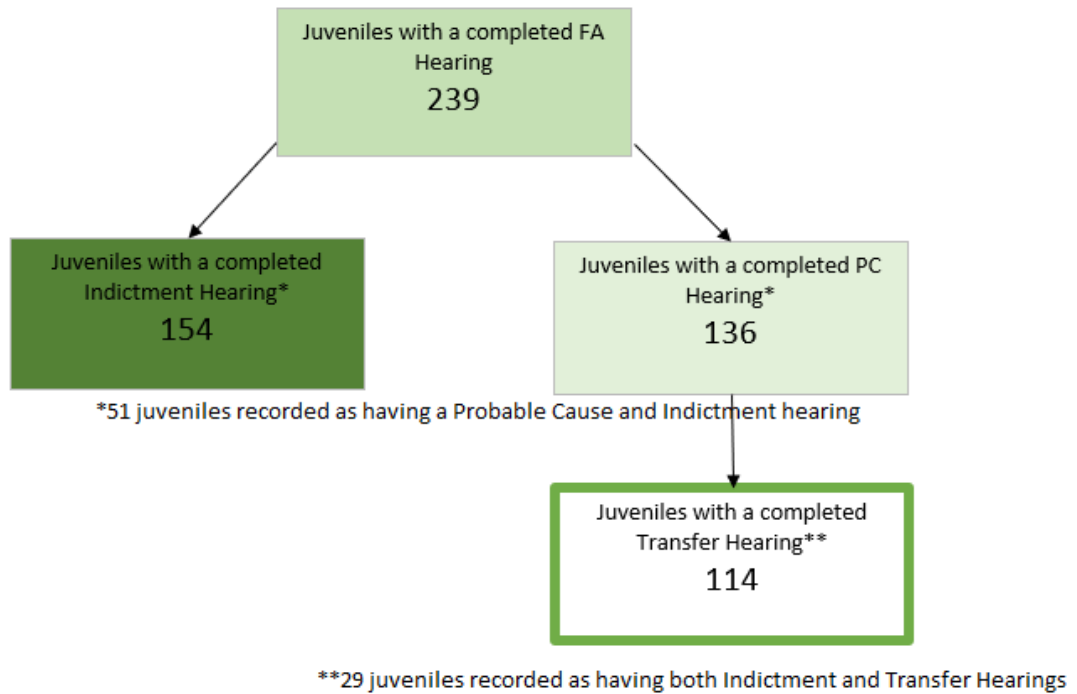
The ten most frequently charged, transferred offenses for Raise the Age youth follow.

Charged Offense	Complaints
Robbery with dangerous weapon	206
First degree murder	51
Assault with a Deadly Weapon with intent to Kill (AWDWIK)	37
Discharge weapon occupied property	31
Discharge weapon occupied property in operation	28
Assault with a Deadly Weapon with intent to Kill Inflicting Serious Injury (AWDWIKISI)	23
Break or enter a motor vehicle	17
Common law robbery	17
Possess handgun by minor	17
First degree burglary	16

The first, most serious offense class transferred per Raise the Age juvenile, follows.

Felony Offense Class	Distinct RtA Juveniles
A	30
B1	6
B2	14
C	31
D	98
E	30
F	9
G	15
H	10
I	2
Total	245

239 of the 245 distinct RtA juveniles completed a first appearance hearing.



VI. Raise the Age: A Year of Data in Review

Year 1 of Raise the Age saw:

- Juvenile Justice projected a 64 percent systemic increase. In actuality, it saw a 38 percent increase in a year of a pandemic.
- More juveniles had an offense class H-3 complaint diverted (24.3 percent compared to 18.5 percent) or closed (29.1 percent compared to 13.4 percent) than expected.
- School-based complaints composed 45 percent of all complaints in calendar year 2019, and typically represent more than 40 percent of all complaints each year. However, when schools were closed in March 2020, the number of school-based complaints received dramatically decreased and currently represent only 16 percent of all complaints received in 2020, which includes both open and closed school months.
- The juvenile detention population received fewer admissions than projected due to receiving fewer complaints for Felony class H through Misdemeanor 3 offenses. Significant efforts have gone into reducing the juvenile detention population in a safe way during the pandemic.

A. Goals Attained

Several key goals were attained in the first year:

- Created and maintained open lines of communication to accept feedback and solutions.
- Provided regular legislative and implementation updates to stakeholders through the Juvenile Jurisdiction Advisory Committee.
- Established tools to ensure continued training resource availability.
- Implemented age-appropriate programming.
- Grew detention capacity throughout the state, adding 133 detention beds to meet the demands of the increasing population that accompanied Raise the Age.
- Two new residential sites opened this year, one in Forsyth County and one in Union County.
- Released two Requests for Proposals (RFPs) in the Piedmont region to address the gang intervention strategies (Street Outreach Model from the U.S. Department of Justice, Office of Juvenile Justice and Delinquency Prevention) and residential intervention needs for gang-involved youth.
- Received a three-year OJJDP grant for \$300,000 to address the development and implementation of a pre-trial release program model in Wake County and eight surrounding counties. The project will focus on establishing viable protocols and access to services in both urban and rural communities. This project will assist Juvenile Justice by coordinating release supervision for H593 criminal court youth and youth transferred to superior court (boundovers) in affected counties. Other states have augmented pre-trial release programming as a result of raising the age of juveniles and in preparation for compliance with federal mandates regarding removal of youth from jails.
- As of August 1, 2020, every criminal court youth ordered into secure custody pre-trial is now housed in a juvenile detention center instead of a county jail until (s)he is released, bonded out or reaches the age of 18. At that time, the youth would be transported to county jail. Youth under the age of 18 who are ordered to a term of imprisonment in a county jail as a result of a criminal court matter now serve that time in a juvenile detention facility as long as they remain under the age of 18. From August 1, 2020 to December 31, 2020, there were 52 detention admissions for H593 criminal court youth; 71% of those H593 admissions were for pre-trial stays in juvenile detention.
- Other tasks include a successful rollout of the Raise the Age Juvenile Crime Prevention Council expansion budgets for 2019-20 and 2020-21, increasing accessibility of Teen Court and other restorative justice models from 60 to 96 counties within the two years; and rolling out a new protocol for JCPCs to engage in a two-year funding cycle (HB593).

B. Unplanned Success

With the pandemic, county leadership reached out to Juvenile Justice regarding localized increases in crimes involving theft from and of motor vehicles in several counties in the state. Because local law enforcement reached out to problem solve, the result was a collaboration between Juvenile Community Programs, Fayetteville Police Department trainers, and other

counties' law enforcement staff to implement Educating Kids on Gun Violence (EKG) programming in Forsyth and Guilford counties.

Unrelated to the Raise the Age population, but a trend that occurred simultaneous to RtA implementation, is the significant decrease in complaints for undisciplined juveniles for status offenses (all ages). Status offenses are offenses that are considered crimes due to the juvenile's age (e.g., truancy, runaways, etc.). During 2020, there was a 29% decrease in the filing of undisciplined complaints (2,010 Jan-Nov 2019 compared to 1,436 Jan-Nov 2020).

C. Risk and Needs

In determining whether the Raise the Age population's risk and needs differs significantly from the younger population, analysis was performed. Typically, the younger population averages an RL3 risk score, while the Raise the Age population averages slightly more risk with an RL4 score.

Risk and Needs Assessment data were analyzed comparing three groups of juveniles. Juveniles were grouped by age: Group 1 – Raise the Age (RtA) juveniles, Group 2 – juveniles aged 10-15, and Group 3 – juveniles under the age of 10. Frequencies for each item and overall assessment score were analyzed.

Needs Assessment

A total of 11,911 Needs Assessments (Group 1 n=3,453; Group 2 n=8,319; Group 3 n=139) that were completed between December 1, 2019 and November 30, 2020 were analyzed. Highlights of differences between the groups are listed below.

- 9% of RtA juveniles, 6% of juveniles age 10-15 and 0% of juveniles under 10 were identified as gang members or associates.
- 60% of RtA juveniles and almost half of juveniles aged 10-15 had some association with peers that were involved in delinquent/criminal behavior. Less than 15% of juveniles under the age of 10 had similar peer associations.
- Over half of RtA juveniles, 61%, reported having some sort of substance abuse, while juveniles aged 15 and under were much lower, 33%, and juveniles age 10 and under at less than 1%.
- 48% of RtA juveniles, 43% of juveniles aged 10-15 and 37% of juveniles under 10 had behavior that indicated additional mental health assessment or treatment.
- Almost half of all juveniles, across all ages (45%, 50%, and 41%), had a household member that was currently incarcerated or had a record.

The following table illustrates needs level by age group, showing the percentage of the age group that is represented in each needs level. For instance, 7% of Raise the Age youth are identified as high needs.

Needs Level by Group

	Group 1 (RtA)	Group 2 (10-15)	Group 3 (Under 10)
Low	59.99%	61.60%	80.58%
Medium	32.98%	33.51%	15.11%
High	7.03%	4.89%	4.32%

Risk Assessment

A total of 11,968 Risk Assessments (Group 1 n=3474, Group 2 n=8353, Group 3 n=141) that were completed between December 1, 2019 and November 30, 2020 were analyzed. Highlights of differences between the groups are listed below.

- 22% of RtA juveniles and 17% of juveniles 10-15 had run away from home. Almost all juveniles under 10, 99%, had never run away from home.

The following table illustrates risk level by age group, showing the percentage of the age group that is represented in each risk level. For instance, 30% of Raise the Age youth are identified as risk level 4 and only 8% of Raise the Age youth are identified as risk level 1, the level reflecting the least risk of reoffending.

Risk Level by Group

	Group 1 (RtA)	Group 2 (10-15)	Group 3 (Under 10)
RL1	7.91%	5.89%	0.00%
RL2	17.66%	16.43%	17.48%
RL3	22.10%	32.45%	48.95%
RL4	29.86%	31.92%	31.47%
RL5	22.48%	13.32%	2.10%

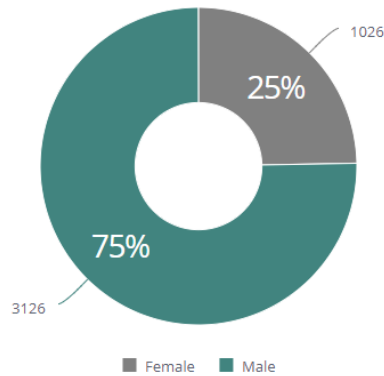
NOTE: Risk Level is ordered from least risk of reoffending (RL 1) to most risk of reoffending (RL5).

D. Race/Ethnicity and Gender, Preliminary Delinquent Complaints in 2020

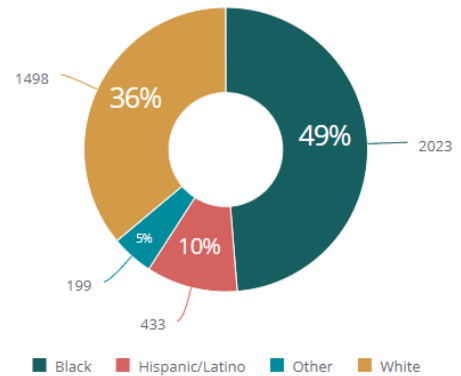
Raise the Age youth look much like the youth served in the Juvenile Justice system aged younger than 16 at age of offense. The Raise the Age population is composed of slightly fewer females by proportion.

Raise the Age Youth

By Gender

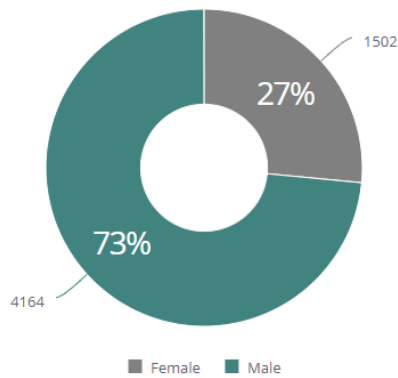


By Race

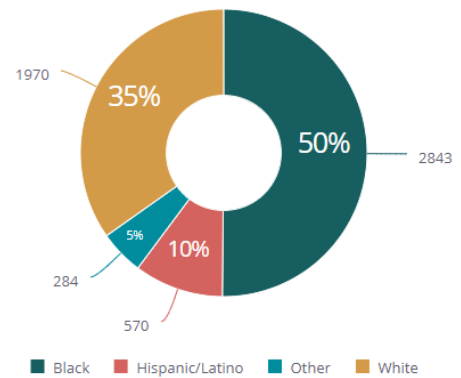


Youth aged younger than 16

By Gender



By Race



E. Raise the Age Complaints Received

In planning for Raise the Age implementation, Juvenile Justice worked with several partners to obtain data and analyze trends to formulate projections of what to expect upon implementation. Projections of the number of juveniles to be affected by Raise the Age in the first year were based on the behaviors of 15 year-olds in the juvenile justice system and how complaints received were handled in FY16. This was coupled with Administrative Office of the Courts statistical defendant data and Sentencing and Policy Advisory Commission conviction data to formulate a comprehensive projection.

Juvenile Justice projected a 64% systemic increase and received a 38% increase amid a year of a pandemic. Systemic increases are determined by the number of complaints received because that entry point affects the entire system. Existing rates for various pathways for 15-year-olds throughout the system were used to determine resource needs. In the next annual report, Juvenile

Justice anticipates there will be sufficient data to report on at-risk youth who were not court involved. The focus of this report will be on the data related to youth for whom a complaint was received.

When comparing complaints received to complaints projected, differences highlight: 1) whether the Raise the Age population complaints followed the same pathways as those for 15 year olds previously in the Juvenile Justice system, and 2) whether statistical defendant data from criminal court replicated itself in the Juvenile Justice system.

12,349 delinquent complaints were received for 4,107 juveniles aged 16 or 17 on the date of offense. This volume is lower than expected and likely will increase as the pandemic passes.

Key Data Points, Complaints Received

Volume: 56% of the complaints received projection was met. 100% of the felony class A-G offense projection was met. 53% of felony class H through misdemeanors projection was met.

Projected complaints per juvenile were estimated at 2.4 complaints per juveniles based on FY16 trends for the 15-year-old juveniles for which a complaint was received, and though there was a rise in complaints per juvenile during the pandemic school closure months, the average monthly complaints per juvenile from December 1, 2019 to November 30, 2020 was 2.41.

Complaints per Juvenile

<i>Dec-19</i>	1.71
<i>Jan-20</i>	2.47
<i>Feb-20</i>	1.80
<i>Mar-20</i>	2.35
<i>Apr-20</i>	2.21
<i>May-20</i>	2.44
<i>Jun-20</i>	2.59
<i>Jul-20</i>	2.64
<i>Aug-20</i>	2.86
<i>Sep-20</i>	2.87
<i>Oct-20</i>	2.51
<i>Nov-20</i>	2.45
<i>Total</i>	2.41

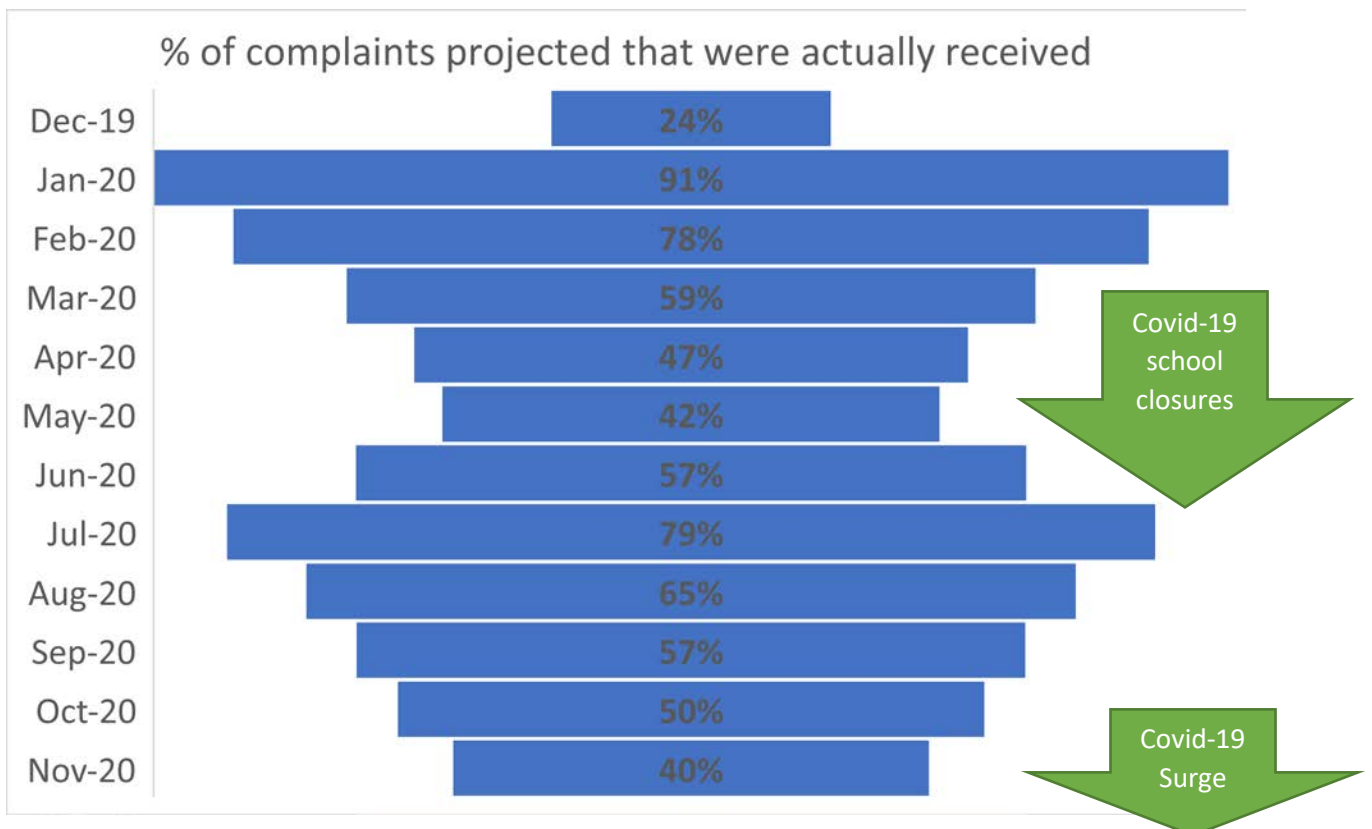
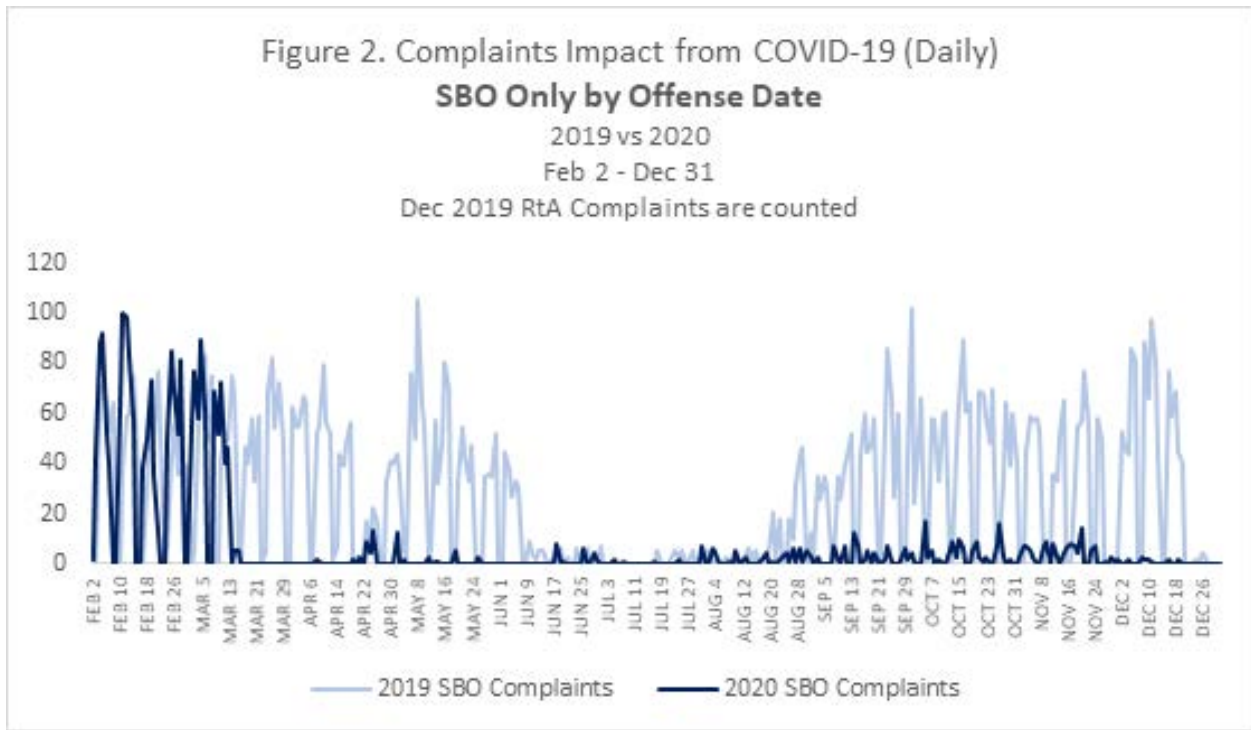
Raise the Age Actual vs Projections: Year 1

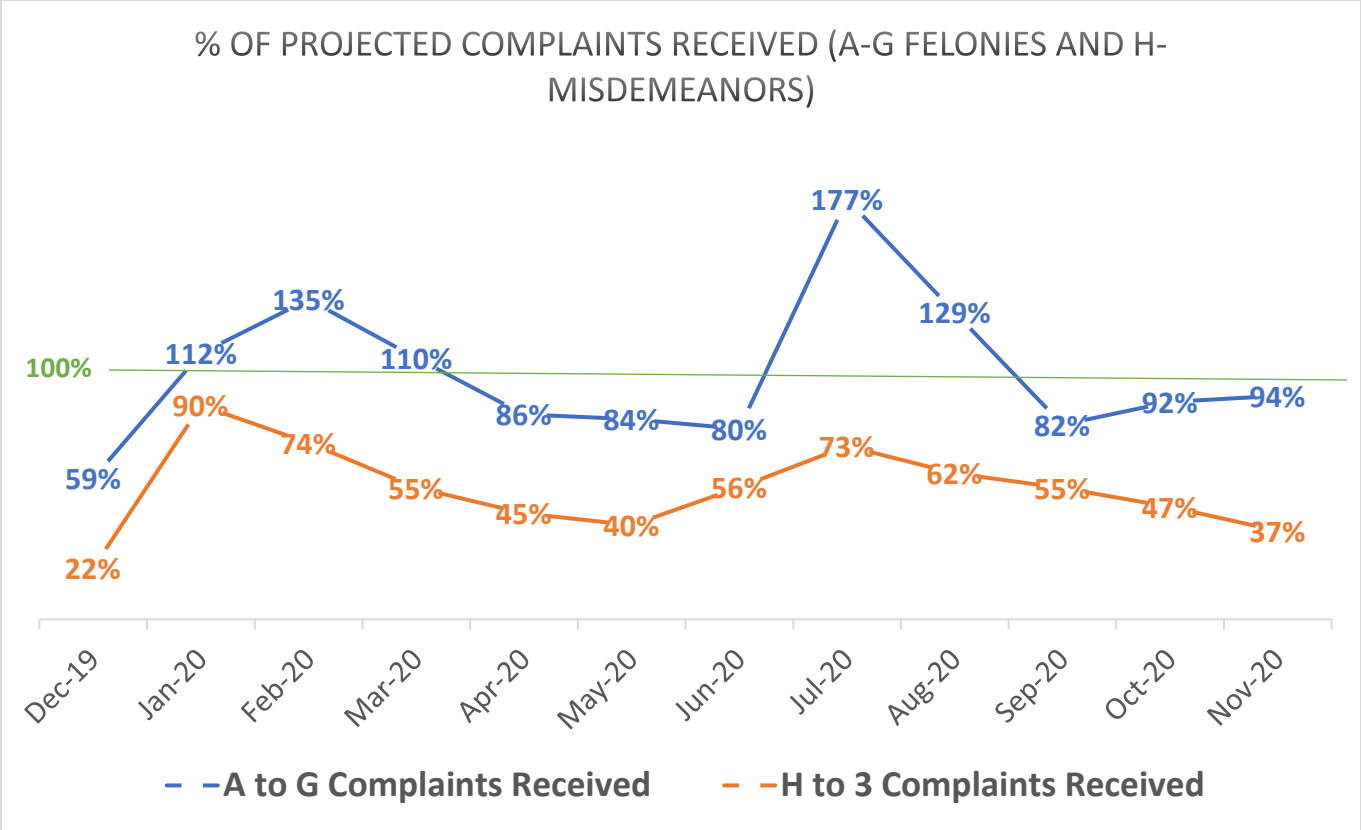
Complaints and Projected Complaints by Juvenile District

District	RtA Complaints	Projected Complaints	Percent Projected Complaints Received
District 01	205	375	55%
District 02	111	228	49%
District 03	571	832	69%
District 04	462	557	83%
District 05	373	570	65%
District 06	269	367	73%
District 07	499	676	74%
District 08	291	511	57%
District 09	145	473	31%
District 10	1,004	2,148	47%
District 11	649	741	88%
District 12	548	726	75%
District 13	162	439	37%
District 14	365	476	77%
District 15	458	669	68%
District 16	392	701	56%
District 17	281	365	77%
District 18	1,075	1,418	76%
District 19	663	1,333	50%
District 20	557	748	74%
District 21	438	1,056	41%
District 22	456	1,005	45%
District 23	149	202	74%
District 24	97	160	61%
District 25	211	623	34%
District 26	1,047	2,809	37%
District 27	254	825	31%
District 28	227	499	45%
District 29	255	428	60%
District 30	135	279	48%
Total	12,349	22,239	56%

School-based complaints composed 45% of all complaints in calendar year 2019, and typically represent over 40% of all complaints each year. However, when schools were closed in March of 2020 for the pandemic response, the number of complaints received dramatically decreased and currently represent only 16% of all complaints received in 2020, which includes both open and closed school months. This data reflects that had schools been open, additional complaints would have been received and as school complaints are largely misdemeanor filings, 2021 will likely reflect an increase in the H-misdemeanor complaints received category. Other facts to consider

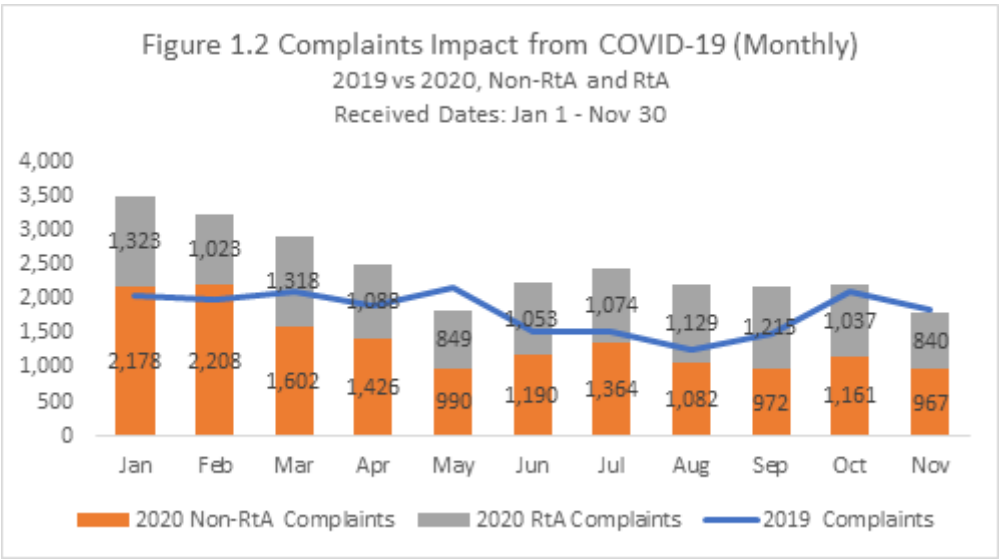
are that other states have seen declines in facility population needs for the younger population and a decline in misdemeanor complaints following two (2) years of Raise the Age implementation.





There have been 8 cases reverse waived (juvenile began under juvenile jurisdiction, was transferred to superior court and prosecutor and defense agreed to transfer the youth back to juvenile justice system; and was so ordered by the court).

The following illustrates 2020 Raise the Age complaints and non-RtA complaints compared to 2019 complaint counts (pre-RtA).

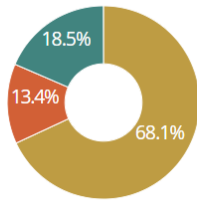


F. Raise the Age Juveniles

Volume: 4,107 distinct juveniles were added to the Juvenile Justice system throughout implementation of Raise the Age December 1, 2019-November 30, 2020. Half of the distinct juveniles projection was met. 530 RtA juveniles were projected to have an A-G felony offense; however, 612 RtA juveniles were received throughout the year.

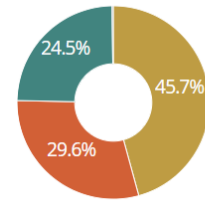
Decisions: More juveniles had a complaint diverted (18.5% compared to 24.5%) or closed (13.4% compared to 29.6%) than expected for felony class H through misdemeanor offenses.

RTA Projected Juveniles by Intake Decision (H to 3)



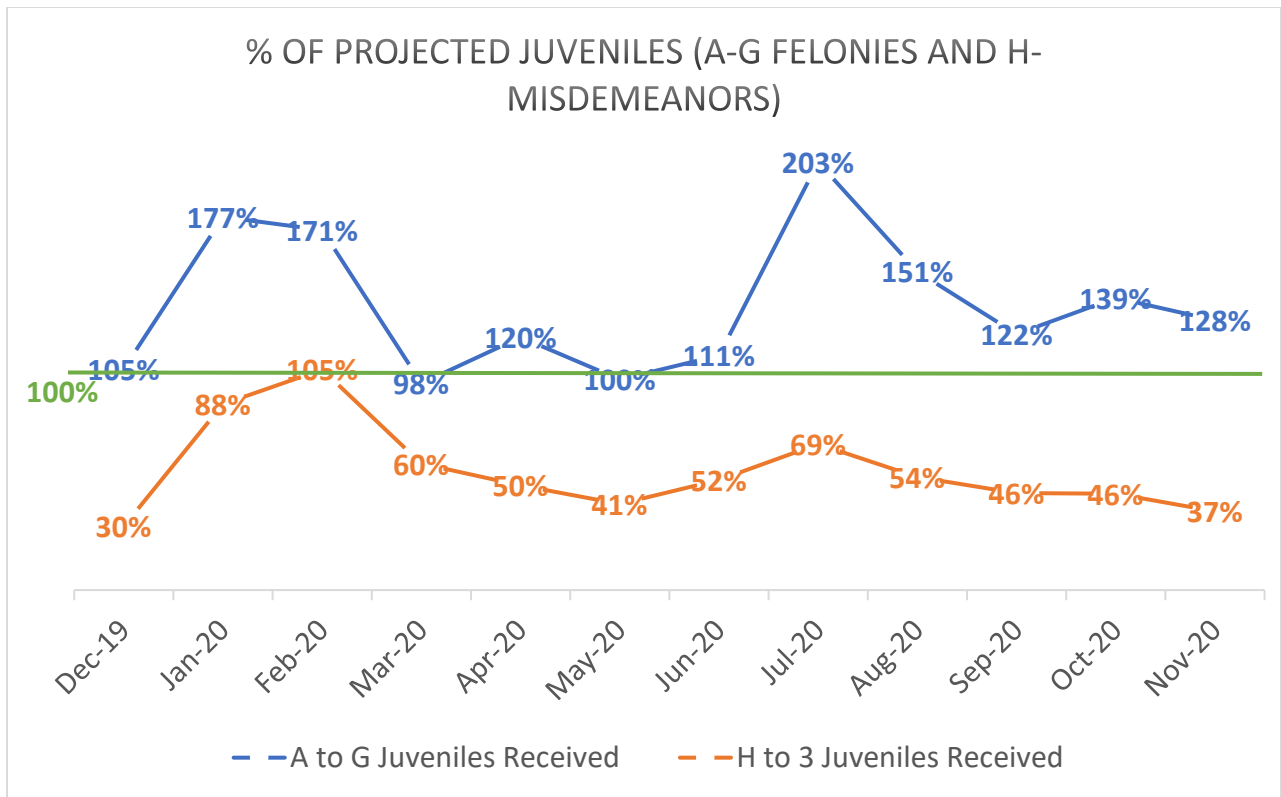
■ H to 3 Juveniles Approved ■ H to 3 Juveniles Closed ■ H to 3 Juveniles Diverted

RTA Juveniles by Intake Decision (H to 3)



■ H to 3 Juveniles Approved ■ H to 3 Juveniles Closed ■ H to 3 Juveniles Diverted ■ Others





G. Detention

Juvenile Justice projected a 158% increase in detention bed needs (from 190 to 490) based on Sentencing and Policy Advisory Commission staff data. Data from Dec 1, 2019 to November 30, 2020 (12 months) reflects that 85% of juveniles projected to be detained, were indeed detained (616 juveniles of the projected 723). A larger percent of the raise the age population was detained than projected (12% compared to 7.8% projected).

Juvenile Justice worked with county officials including sheriffs to open county operated juvenile detention centers in Brunswick, Mecklenburg, and Madison counties.

The federal Juvenile Justice and Delinquency Prevention Act (JJDP A) renewal included a requirement that all persons under the age of 18 be detained in juvenile detention instead of jail. H593/S.L. 2020-83 took steps towards implementing that requirement, effective August 1, 2020.

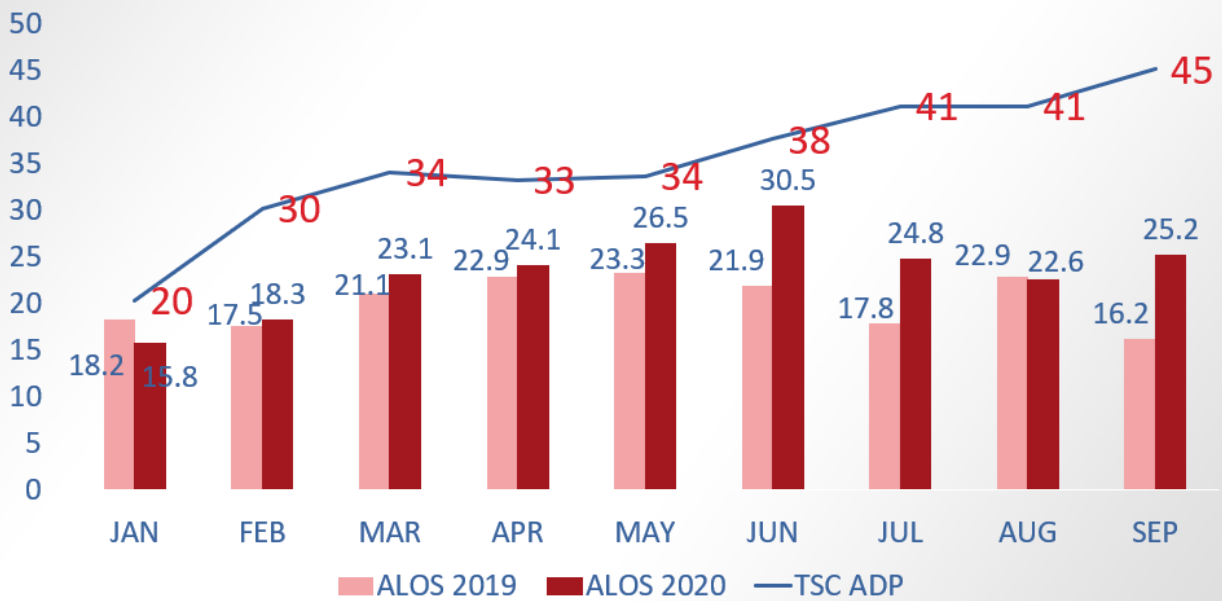
The original projection for RtA implementation was 300 detention center beds, which implementation data currently supports given the A-G transfer youth with longer average length of stays. The Department received \$6.7 million allocated to-date (half of original projected need). Detention admissions for youth under age 16 have declined. The degree to which a smaller number of admissions reflects “Raise the Age” implementation or Covid-19 local precautions and decisions is unknown. Though, other states have seen similar reductions in the younger population for detainments and commitments following “Raise the Age” implementation. Longer stays due to court closings and hearing availability during the pandemic affected detention bed needs in 2020. H593 further increased bed needs as youth originating in

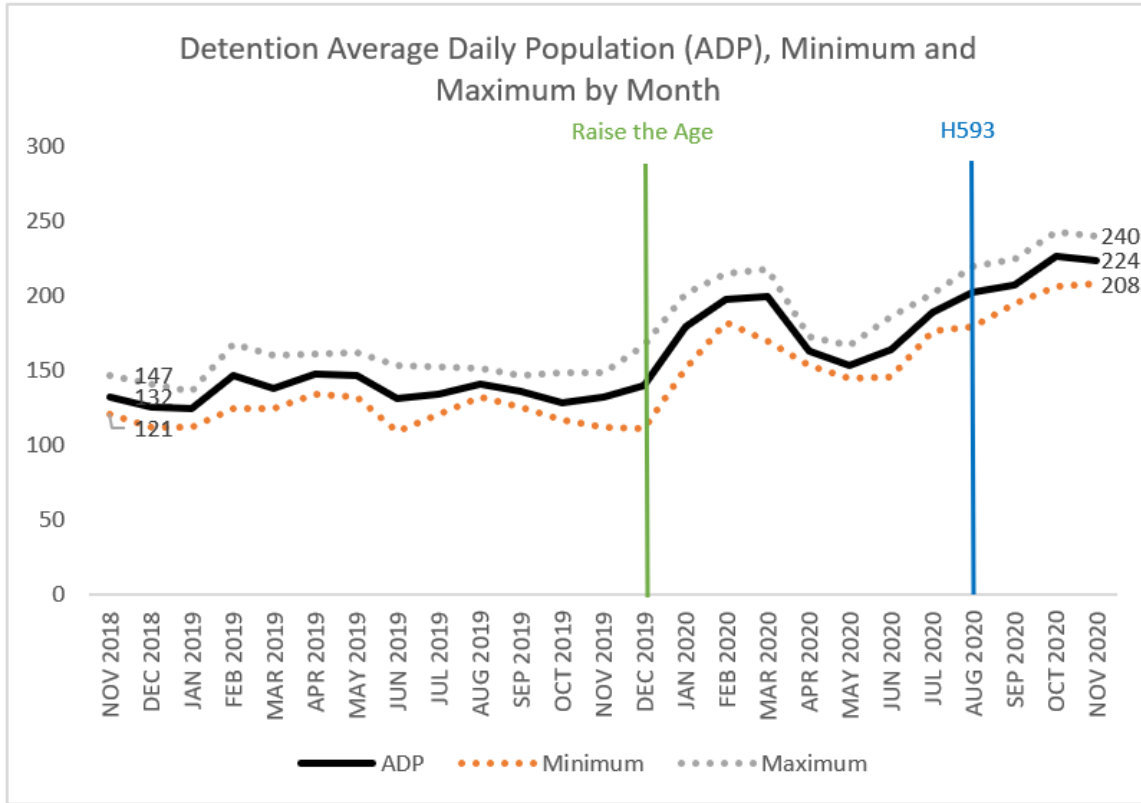
criminal court are housed in juvenile detention as of August 1, 2020, including youth who would have previously been sentenced to a jail stay.

On November 30, 2020, of the 234 total juveniles housed in juvenile detention, 10 were H593 youth and 52 were transfer to superior court youth, resulting in longer stay youth representing 26% of the population.

Average LOS increases as superior court transfer population increases

Average Length of Stay by Exit Month





VII. School Justice Partnerships

The following update on School Justice Partnerships is provided by the Administrative Office of the Courts (AOC).

North Carolina’s 2017 Raise the Age law (S.L. 2017-57 § 16D.4.(aa)) authorized the NCAOC Director to establish policies and procedures for chief district court judges and local stakeholders to establish School Justice Partnerships (SJP). An SJP is a group of community stakeholders, including school administrators, the law enforcement community, court officials, juvenile justice personnel, and others who work together to keep kids in school and out of court. SJPs strive to reduce in-school arrests, out-of-school suspensions, and expulsions by developing and implementing effective strategies to address minor school-based misconduct through in-school and community-based resources. A school-based offense is one that occurs on school grounds, school property, at a school bus stop, at an off-campus school sanctioned event, or where the school is the victim.

SJP strategies help students succeed in school and prevent negative outcomes for both youth and their communities. Statistics show that contact with the juvenile justice system increases the likelihood that youth will reoffend, and outcomes worsen with deeper involvement in the system. For example, confinement in a juvenile facility increases the risk that a youth will be rearrested as an adult. For some students, a school-based referral can lead to a permanent criminal record, which creates barriers to college financial aid, employment, housing, and military eligibility. As

a result, SJPs seek to reduce the use of exclusionary discipline practices and school-based court referrals, which push students out of school and into court.

In the summer of 2020, the NCAOC analyzed data, provided by the Juvenile Justice Section of the NC Department of Public Safety, regarding school-based complaints in seven North Carolina counties where SJPs have been implemented for at least two years—Brunswick, Greene, Lenoir, Mecklenburg, New Hanover, Stanly, and Wayne. This data analysis revealed that overall, SJPs are having a positive impact in reducing the number of school-based offenses that are referred to juvenile court. Five of the seven counties – Brunswick, Lenoir, Mecklenburg, New Hanover, and Stanly – have experienced a decrease in the number of school-based complaints since SJPs were first implemented in those counties.

According to the data analysis:

- Brunswick County, which formed an SJP on July 1, 2017, experienced a 79% decrease from 2016 (366 total) to 2020 (74 total);
- Greene County, which formed an SJP on March 16, 2018, experienced a 24% *increase* from 2017 (25 total) to 2020 (31 total);
- Lenoir County, which formed an SJP on March 16, 2018, experienced a 74% decrease from 2017 (100 total) to 2020 (26 total);
- Mecklenburg County, which formed an SJP on January 28, 2016, experienced a 39% decrease from 2016 (866 total) to 2020 (528 total);
- New Hanover County, which formed an SJP on November 2, 2015, experienced a 23.4% decrease from 2016 (141 total) to 2020 (108 total);
- Stanly County, which formed an SJP on July 1, 2018, experienced a 20.3% decrease from 2017 (59 total) to 2020 (47 total); and
- Wayne County, which formed an SJP on April 12, 2018, experienced a 15.1% *increase* from 2017 (66 total) to 2020 (76 total).

The Raise the Age legislation, which became effective on December 1, 2019, is likely among the various factors that may have contributed to a slight increase in school-based complaints in Greene and Wayne Counties. As of December 1st, school-based complaint data now includes any 16- and 17-year-olds who are referred to juvenile court based on a school-related offense. Prior to December 1st, school-based complaint data compiled by juvenile justice only included youth under the age of 16 because 16- and 17-year-olds were charged as adults.

As of FY2019-2020, SJPs are active in 39 counties with several more counties in the planning stages. The number of participating school systems or Local Education Agencies (LEAs) in each county varies, since implementation of the program in a school district is voluntary. However, individuals can determine which local stakeholders are participating in a particular county's SJP by reviewing that county's signed SJP Memorandum of Understanding at www.sjp.nccourts.gov.

Chief District Court Judge J.H. Corpening, New Hanover County, shared the following statement about the impact of the program in New Hanover:

“The New Hanover County School Justice Partnership experience has been transformative. We have dramatically reduced school referrals to juvenile justice. We have seen a transformation in approaches to discipline for school-based conduct that focuses on changing behavior for the better instead of pushing the child out of school. We have seen support grow across our systems and our community and have built support to work to reduce all forms of exclusionary school discipline, and to work on reducing the disproportionate impact on children of color.”

VIII. Resources

1. JJAC Interim Reports: <https://www.ncdps.gov/our-organization/juvenile-justice/key-initiatives/raise-age-nc/juvenile-jurisdiction-advisory-3>
2. JJAC Meetings, Agenda, and Minutes: <https://www.ncdps.gov/our-organization/juvenile-justice/key-initiatives/raise-age-nc/juvenile-jurisdiction-advisory>
3. AOC’s School Justice Partnerships website: www.sjp.nccourts.gov

JJAC Report Data Note: Please note that data in this report is produced for timely notification and that data quality assurance practices may alter the counts slightly over time.

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