



Juvenile Justice and  
Delinquency Prevention  
NC DEPARTMENT OF PUBLIC SAFETY

# Juvenile Age Final Report

NC raised the age of juvenile jurisdiction on December 1, 2019



Submitted by: Juvenile Jurisdiction Advisory Committee, Jan. 15, 2023





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

Bill D. Davis, Co-Chair

Garry Frank, Co-Chair

January 15, 2023  
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 a final report on the implementation of this section and its findings and recommendations, including legislative, administrative, and funding recommendations, by January 15, 2023, to the General Assembly and the Governor. The Advisory Committee shall terminate on February 1, 2023, or upon the filing of its final report, whichever occurs earlier.” This is our final report.

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” and that have continued to improve processes statewide.

**Legislative:** The Committee recommends the following legislative recommendations:

- Amend N.C. Gen. Stat. 7B-2200.5 and 15A-627 to clarify the indictment process for juveniles aged 16 or 17 on date of offense.

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 for possible future work.

**Funding:** The Committee recommends funding the following recommendations:

- The committee recommends instituting a step pay plan and providing compression relief for the Division of Juvenile Justice and Delinquency Prevention.
- Juvenile Justice: Fund Juvenile Justice in the amount of \$9.8 million in FY24 (includes \$1.1 non-recurring) and \$8.7 million in FY25 recurring for juvenile detention and youth development center beds.
  1. Fund 70-bed expansion of Dillon for operating, furniture, and vehicles in two newly opening Dillon detention cottages (\$1,825,858 year 1 and \$1,105,858 year 2). This request does not include any FTEs. The General Assembly authorized renovation at Dillon to provide additional detention beds in [S.L. 2020-15/H1187](#). Sufficient FTE were converted from [S.L. 2019-229/H1001](#) funding as a result of Mecklenburg Juvenile Detention’s closure.
  2. Staff 24-bed Richmond Juvenile Detention Center with 47 FTE (\$3,762,146 year 1 and \$3,372,146 year 2). [S.L. 2021-180/S105](#) funded “Raise the Age” capital improvements to Richmond Regional Juvenile Detention Center: project code DPS21-1
  3. Complete staffing at 60-bed Rockingham Youth Development Center, a flex-use secure custody facility, providing 39 FTE and operating at \$4,198,193 recurring beginning July 1, 2023 to allow for 6-week BASIC training prior to opening the facility in August 2023. The General Assembly authorized inmate construction funding at the future Rockingham Youth

Development Center in [S.L. 2020-15/H1187](#). [S.L. 2022-74/H103](#) authorized 83 FTE of the 122 FTE needed to operate the facility as well as non-recurring requirements.

- Office of the Juvenile Defender: \$110,000 beginning July 1, 2023, for one FTE, to support the agencies in developing additional juvenile delinquency contracts.
- The Conference of District Attorneys: \$298,885 beginning July 1, 2023, recurring to support two FTE whose positions are grant-funded, and a need continues. Dedicated prosecutor training is essential because juvenile court has separate evidentiary, procedural, ethical and confidentiality rules from the adult criminal system. 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.
- Existing Judicial Branch staff deficiencies effective Jan. 1, 2023, at a FY 23 annualized cost of \$4,667,814 and non-recurring cost of \$367,122. The FY 24+ impact of these positions is \$9,335,627 recurring and \$0 non-recurring.

The current committee recognizes that the main work of raising the age of juvenile jurisdiction has largely been completed. Because of the ever-changing nature of juvenile justice, this group recommends that some other entity be created to continue providing better outcomes for youth and expand on the work of the JJAC.

Please find the final Juvenile Age Report attached.

Sincerely,



Bill D. Davis, Co-Chair



Garry Frank, Co-Chair

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

**STELLA BAILEY**

Raleigh – Ex-Officio  
Designee, DHHS

**BETTY BUDD**

Arden - President Pro  
Tempore of the Senate

**TARRAH E. CALLAHAN**

Raleigh - Speaker of the  
House of Representatives

**DARREN E. CAMPBELL**

Statesville - Speaker of the  
House of Representatives

**J.H. CORPENING, II**

Wilmington - Speaker of the  
House of Representatives

**BILL D. DAVIS**

Co-Chair: North  
Wilkesboro - President Pro  
Tempore of the Senate

**GARRY FRANK**

Co-Chair: Lexington –  
Speaker of the House of  
Representatives

**BETH FRESHWATER-SMITH**

Wilson - Governor's Crime  
Commission

**MICHELLE HALL**

Raleigh - Ex-officio, SPAC

**KRISTA HIATT**

Statesville - Governor

**JENNIFER J. KNOX**

Raleigh - President Pro  
Tempore of the Senate

**WILLIAM L. LASSITER**

Raleigh - Ex-officio, Juvenile  
Justice

**JEFFREY LEDFORD**

Kings Mountain - President  
Pro Tempore of the Senate

**MARTIN B. MCGEE**

Concord - Chief Justice of  
the NC Supreme Court

**CAROL MCMANUS**

Gastonia - Governor

**ROBERT B. RADER**  
Raleigh - Chief Justice of the  
NC Supreme Court

**HEATHER TARASKA**  
Charlotte - Conference of  
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**LINDSEY W. SPAIN**  
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**ROBERT TAYLOR**  
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**MARY D. STANSELL**  
Raleigh - NC Association  
of Public Defenders

**ERIC ZOGRY**  
Raleigh - Ex-officio,  
Juvenile Defender

## Contents

I.	Juvenile Jurisdiction Advisory Committee .....	5
A.	Purpose of this Report.....	5
B.	Composition of Committee.....	5
II.	Rationale and Reform .....	7
A.	Rationale for “Raise the Age” .....	7
B.	Reform Efforts .....	9
III.	Juvenile Jurisdiction Advisory Committee Legislative Recommendations to implement S.L. 2017-57, Juvenile Justice Reinvestment Act.....	11
A.	Legislative Recommendations .....	11
B.	Subcommittees .....	12
C.	Remaining Issues .....	13
D.	Remaining Recommendations from Previous Reports .....	14
IV.	Funding .....	14
A.	Step Pay Plan and Compression Relief.....	14
B.	Juvenile Justice .....	15
C.	Office of the Juvenile Defender .....	17
D.	The Conference of District Attorneys.....	18
E.	Administrative Office of the Courts.....	19
V.	A Brief Legislative History of the Juvenile Justice Reinvestment Act (JJRA)- Updated to include recent legislation .....	21
VI.	Other Subcommittee Reports .....	24
VII.	A Brief Funding History of the Juvenile Justice Reinvestment Act (JJRA).....	25
VIII.	Systemwide Expansion .....	26
A.	Scope (Fiscal Year).....	26
B.	Raise the Age Complaints Received .....	27
C.	Risk and Needs .....	29
D.	Decisions.....	30

E.	Offense Group.....	30
IX.	Policy/Administrative Changes.....	31
X.	What happened?.....	32
XI.	Systemwide Data .....	35
A.	NC Demographer .....	35
B.	Adult Correction .....	35
C.	Transfers to Superior Court.....	36
D.	H593 Criminal Court Youth .....	38
XII.	Raise the Age: A Year in Review .....	38
A.	Goals Attained .....	38
B.	Year 3 Data .....	39
C.	Prosecutorial Discretion.....	40
D.	Race/Ethnicity and Gender, Complaints per Juvenile and Reverse Waivers.....	40
E.	Detention.....	42
F.	Youth Development Centers.....	45
XIII.	School Justice Partnerships.....	46
XIV.	Resources .....	47

***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

### A. Purpose of this Report

In 2017, the North Carolina General Assembly passed the Juvenile Justice Reinvestment Act as part of S257, the 2017 Session Budget Bill (S.L. 2017-57). The Act “increase[s] the age of juvenile jurisdiction, except for certain felonies.” Among its many provisions is the establishment of the Juvenile Jurisdiction Advisory Committee [SECTION 16D.4.(kk)] which is to serve as a 21-member advisory group to monitor implementation and provide funding, administrative, and legislative recommendations to the General Assembly.

Per SECTION 16D.4.(pp), “The Advisory Committee shall develop a specific plan for the implementation of any changes in the juvenile justice system that would be required in order to extend jurisdiction in delinquency matters and proceedings to include 16- and 17-year-old persons within the juvenile justice system. The plan shall include cost estimates for each portion of the plan, including capital costs, operating costs, and staffing costs. As the expansion of the jurisdiction of the Division of Juvenile Justice to include persons 16 and 17 years of age who commit crimes or infractions becomes effective pursuant to this act, the Advisory Committee shall **monitor and review the implementation of the expansion and shall make additional recommendations to the General Assembly as necessary.**”

This report reflects Juvenile Jurisdiction Advisory Committee (JJAC) work to monitor and review implementation, as well as recommendations for the General Assembly.

### B. Composition of Committee

Per the Juvenile Justice Reinvestment Act, the Juvenile Jurisdiction Advisory Committee consists of 21 members (with designees permitted for ex-officio members):

- (1) The Deputy Commissioner for Juvenile Justice of the Division of Adult Correction and Juvenile Justice of the Department of Public Safety.
- (2) The Director of the Administrative Office of the Courts.
- (3) The Director of the Division of Mental Health, Developmental Disabilities, and Substance Abuse Services of the Department of Health and Human Services.
- (4) The Superintendent of Public Instruction.
- (5) The Juvenile Defender in the Office of Indigent Defense.
- (6) The Executive Director of the North Carolina Sentencing and Policy Advisory Commission.
- (7) One representative from the Juvenile Justice Planning Committee of the Governor's Crime Commission.

The remaining members are appointed as follows:

- (8) Two chief court counselors appointed by the Governor, one to be from a rural county and one from an urban county.
- (9) One chief district court judge and one superior court judge appointed by the Chief Justice of the North Carolina Supreme Court.

- (10) One police chief appointed by the President Pro Tempore of the Senate.
- (11) One sheriff appointed by the Speaker of the House of Representatives.
- (12) One clerk of superior court appointed by the President Pro Tempore of the Senate.
- (13) One district attorney appointed by the Speaker of the House of Representatives.
- (14) One assistant district attorney who handles juvenile matters appointed by the Conference of District Attorneys.
- (15) One assistant public defender who handles juvenile matters appointed by the North Carolina Association of Public Defenders.
- (16) Two representatives from the juvenile advocacy community, one appointed by the President Pro Tempore of the Senate and one appointed by the Speaker of the House of Representatives.
- (17) Two representatives from the victim advocacy community, one appointed by the President Pro Tempore of the Senate and one appointed by the Speaker of the House of Representatives.

The list of current Juvenile Jurisdiction Advisory Committee members follows.

<b>Name</b>	<b>Role in Statute</b>
<b>1. Stella Bailey</b>	Director of the Division of Mental Health, Developmental Disabilities, and Substance Abuse Services of the Department of Health and Human Services, <i>Ex-officio- designee</i>
<b>2. Betty Budd</b>	Representative from the victim advocacy community
<b>3. Tarrah E. Callahan</b>	Representative from the juvenile advocacy community
<b>4. Darren E. Campbell</b>	Sheriff
<b>5. J.H. Corpening, II</b>	Representative from the victim advocacy community
<b>6. Bill D. Davis, Co-Chair</b>	Representative from the juvenile advocacy community
<b>7. Garry Frank, Co-Chair</b>	District Attorney
<b>8. Beth Freshwater-Smith</b>	Representative from the Juvenile Justice Planning Committee of the Governor's Crime Commission
<b>9. Michelle Hall</b>	Executive Director of the North Carolina Sentencing and Policy Advisory Commission
<b>10. Krista Hiatt</b>	Chief Court Counselor (rural county)
<b>11. Jennifer J. Knox</b>	Clerk of Superior Court
<b>12. William L. Lassiter</b>	Deputy Commissioner for Juvenile Justice of the Division of Adult Correction and Juvenile Justice of the Department of Public Safety
<b>13. Jeffrey Ledford</b>	Police Chief
<b>14. Martin B. McGee</b>	Superior Court Judge
<b>15. Carol McManus</b>	Chief Court Counselor (urban county)
<b>16. Robert B. Rader</b>	Chief District Court Judge
<b>17. Lindsey W. Spain</b>	Director of the Administrative Office of the Courts, <i>Ex-officio- designee</i>
<b>18. Mary D. Stansell</b>	Assistant public defender who handles juvenile matters
<b>19. Heather Taraska</b>	Assistant district attorney who handles juvenile matters
<b>20. Robert Taylor</b>	Superintendent of Public Instruction, <i>Ex-officio- designee</i>
<b>21. Eric Zogry</b>	Juvenile Defender in the Office of Indigent Defense

## II. Rationale and Reform

### A. Rationale for “Raise the Age”

For historical reference, the primary rationale for raising the upper age of juvenile jurisdiction follows.

Raise the Age will make communities safer by reducing recidivism. North Carolina data shows a significant 7.5% decrease in recidivism when teens are adjudicated in the juvenile versus the adult system. North Carolina data also shows that when youthful offenders are prosecuted in the adult system, they recidivate at a rate that is 12.6% higher than the overall population.

It will provide economic savings. In 2011, the Youth Accountability Planning Task Force [S.L. 2006-248 (Sections 34.1 and 34.2)] submitted its final report to the General Assembly. The Task Force’s report included a cost-benefit analysis, conducted by the Vera Institute of Justice in consultation with the Systems Costs Work Group, of prosecuting 16 and 17-year-old misdemeanants and low-level felons in juvenile court. That report estimated net benefits of \$52.3 million. This analysis accounted for government costs to implement the policy change.

The Juvenile Justice Reinvestment Act will make it easier for youth to compete with other states’ youth when looking for a job. Prior to Dec. 1, 2019, the 16 or 17-year old youth would have been placed in the adult system and that charge would follow the youth throughout his/her life. Raise the Age will allow those youth to be protected under juvenile confidentiality. Juvenile employability is a result.

The juvenile justice system, unlike the adult system, includes parents in the entire process. When a youth has a complaint filed against him/her, the parent is informed, consulted, and included in the process. Throughout the juvenile justice system, the parent/legal guardian is provided the opportunity to participate. They are included as members in the service planning team, and they sign-off on release planning guidelines and supervision contracts regarding restitution commitments, diversion planning, and home visits. Juvenile Justice maintains a cross-system family engagement committee that further looks for ways to engage families in the treatment and rehabilitation process.

Juvenile Justice is a system of professionals who serve youth. Juvenile Justice staff function within a culture of best practice and brain development research, and implement systems designed around treating youth offenders. The best place for youth to receive treatment is with the people who have been trained in communicating with youth, and in addressing youths’ specific needs. Juvenile Justice’s mission and vision, as well as its comprehensive strategy, are based in treating juveniles.

- **Juvenile Justice Mission:** To reduce and prevent juvenile delinquency by effectively intervening, educating, and treating youth in order to strengthen families and increase public safety.
- **Juvenile Justice Vision:** A seamless, comprehensive juvenile justice system that provides the most effective services to youth and their families at the right time, in the most appropriate settings.



The Division uses a comprehensive strategy rooted in social science and evidence-based practices throughout the continuum to achieve its outcomes (Howell, 2009). The strategy allows for a system of graduated responses based on a youth's seriousness of risk/ behavior or crime, their history of offending, coupled with the needs of the youth and their family or support systems within their local communities. DJJDP's philosophy is that to be evidence-based and effective, the most successful way to approach risk and problem behaviors in youth is through effective prevention, treatment, education and accountability-based sanctions that are used in graduated levels and guided by professional, strategic leadership through a tapestry of local and state partnerships. This approach requires effectual partnerships in local jurisdictions and values close relationships with families, local resources, law enforcement and the courts to achieve the most effective levels of impact before seeking "state resources" for secure custody in detention or youth development centers.

### NC's Comprehensive Strategy for Juvenile Delinquency



By including these youth in the juvenile justice system, the youth also benefit from system-wide improvements that further the reduction of recidivism. Juvenile Justice worked with SAS and the Government Data Analytics Center (GDAC) to build a directory of services and programs by county matched to the need or domain that they address (to be used in service matching). The service directory was built by SAS as a searchable electronic database. The service directory is analytics-based; when a service plan is developed in the service planning tool, the youth's assessment information (risk level and unique constellation of needs and demographics) will be analyzed. Service recommendations are tied to the youth's highest priority needs and home county will be listed at the time of case planning for the team to consider when developing goals and action steps, including but not limited to residential placements and service referrals. This is one example of a system improvement that the new population of 16 and 17-year-olds will benefit from in years to come.

## B. Reform Efforts

Reform efforts accomplished in North Carolina over the past few years include:

- **“Raise the Age”** included most 16- and 17- year olds under juvenile jurisdiction with some exceptions and **“Raise the Floor”** excluded most youth under age 10 from juvenile jurisdiction while also providing a mechanism to continue service referrals and assessment of needs to these young children.
- **School Justice Partnerships** - The School Justice Partnership (SJP) is a group of community stakeholders – including school administrators, the law enforcement community, court system actors, juvenile justice personnel, and others – that develops and implements effective strategies to address student misconduct. SJPs work to reduce the number of suspensions, expulsions, and referrals to the justice system by timely and constructively addressing student misconduct when and where it happens, helping students succeed in school and preventing negative outcomes for both youth and their communities. As of October 2022, SJPs were active in 52 counties with several more school districts and counties in the planning stages.
- **Youth Assessment and Screening Instrument (YASI)** - Court Services and the Department of Information Technology fully implemented the YASI, a juvenile assessment tool that measures risk, needs and protective factors of at-risk and juvenile justice-involved youth. It replaces a former risk-and-needs tool used for 20 years. YASI was integrated within NC-JOIN and went live on January 1, 2021. YASI helps JJ staff build a comprehensive service plan with Juvenile Justice-involved youths and families, while working in NC-JOIN. Court Counselors administers the YASI tools as follows: Pre-Screen to provide overall risk to recidivate score for classification purposes; Full Assessment to provide strengths, needs, and trauma index score to lead to service planning; and Service Plan to provide youth, families, Child and Family Team and Juvenile Justice with a means for utilizing all elements of the YASI to develop individualized goals and action steps (including service to needs matching) to address the underlying criminogenic needs while building off identified strengths and protective factors.
- **NC InCK (North Carolina Integrated Care for Kids)** - Juvenile Justice involvement is a component of scoring for youth in the Duke University, UNC-Chapel Hill, and NC DHHS seven-year, \$16 million grant from Centers for Medicare and Medicaid Services. The pilot addresses all Medicaid and CHIP-insured children in a five-county area (Alamance, Durham, Granville, Orange, Vance) ages birth to 21 (approximately 90,000 youth). The benefits of cross-system case management are promising and consistent with a comprehensive approach to treating youth. The InCK project may result in process improvements and improved outcomes for youth and families in the future.
- **OJJDP System Reform Grant Award** - The Division of Juvenile Justice and Delinquency Prevention was awarded close to \$1 million under the OJJDP Juvenile Justice System Reform Grant. In partnership with RTI, JJDP collaborated to identify opportunities for targeted juvenile justice system improvements including case planning and matching juveniles with the most appropriate services, reduction of the over representation of youth of color in detention, and implementation of a restorative justice program model in youth development centers. The grant will offer these systemic improvements by supporting an evaluation and validation study of the North Carolina Juvenile Justice Detention Assessment Tool (DAT), a study of the Youth Assessment and Screening Instrument (YASI), exploratory work on service matching in the North

Carolina Juvenile Justice continuum and implementation and evaluation of a restorative justice pilot in a juvenile justice facility. Planning efforts have commenced.

- **Evaluating Services, NC Results First-** Juvenile Justice Community Programs and the Office of State and Budget Management have officially concluded their three-year joint project on JJDP Community Programs statewide contractual services using the Results First Model. The analysis of these specific contractual programs shows they serve to reduce recidivism among high-risk juveniles and decrease the associated victim, societal and justice system costs.
  - The Value-Based Therapeutic Environment residential model, used by Methodist Homes for Children, reduces recidivism by 26%, and returns \$13.01 per dollar spent. The model incorporates a variety of services to meet individualized needs, including educational services, community service, vocational services and individualized service plans that address the behaviors that led to justice system involvement.
  - Cognitive Behavioral Therapy (CBT) for Youth in Institutional and Residential Settings, used by Eckerd, reduces recidivism by 10% and returns \$5.13 per dollar spent. CBT is a psychotherapy treatment that focuses on cognitive restructuring delivered in both individual and group settings.
  - Functional Family Therapy (FFT), which was used by AMIkids, was shown to reduce recidivism in youth reentering their communities on post release supervision by 69%, and returns \$9.44 per dollar spent. FFT is a short-term, community-based therapeutic intervention for delinquent youth at risk for institutionalization. FFT's family-based treatment approach is designed to improve within-family attributions, family communication and supportiveness, while decreasing intense negativity and dysfunctional behavior patterns.
- **Care Review Teams** – Care Reviews are convened and facilitated with the Juvenile Justice-involved youth, their parent(s)/legal guardian/custodian, juvenile court counselor, Child and Family Team members and other community stakeholders. Care Review Meetings are in place to help a juvenile and family meet with community and agency representatives to divert all unnecessary and/or inappropriate PRTF placements and YDC commitments by discussing their strengths, needs and desires across multiple areas and help put a plan in place to meet those needs and desires. The Care Review Team provides additional options for the Child and Family Team and court to consider at disposition. Between Dec. 1, 2021, and Oct. 10, 2022 (following S.L. 2021-123/S207 care review team structure), 112 referrals were made for Care Review.
  - 92 have completed a Care Review meeting
  - 4 found another placement or did not proceed by choice
  - 16 are currently in process but Care Review was not yet complete
- **Mental Health Training:** Juvenile Justice was awarded a five-year, \$625,0000 grant from SAMSHA (Substance Abuse and Mental Health Services Administration). This grant will allow Juvenile Justice to provide evidenced-informed training that focuses on mental health psychoeducation (Youth Mental Health First Aid), trauma informed care (Think Trauma), and a lived experience module to all employees, contractors and community residential partners. Juvenile Justice will closely collaborate with Duke University and other community partners to provide trainings.

- **Collection of Client Feedback** – Juvenile Justice is piloting the employment of customer service surveys with clients and families. One such survey, the piloted Intake Survey for juveniles and parents (available in English and Spanish), launched on Nov. 1, 2021, at eight pilot sites. Data from the eight-district pilot found:
  - On a 5-point scale for overall satisfaction, survey results indicated an overall juvenile satisfaction rating of 4.65 and an overall parent/legal guardian/custodian satisfaction rating of 4.9.

The Intake Survey is scheduled to expand statewide in 2023. By soliciting client feedback, JJDP furthers its commitment to including the voice of youth and families in how and what services are delivered to ensure the best outcomes.

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

#### **A. Legislative Recommendations**

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

- Amend N.C. Gen. Stat. 7B-2200.5 and 15A-627 to clarify the indictment process for juveniles aged 16 or 17 on date of offense.

The Committee undertook insertion of a process for indictment within juvenile code, Chapter 7B. The following is the recommendation approved with one partial dissent, Office of Juvenile Defender.

§ 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 that a bill of indictment has been returned against the juvenile, an indictment return hearing,~~ 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, probable cause 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.

#### §7B-2202.5. Indictment Return Hearing.

- If a bill of indictment is returned 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 when the juvenile was age 16 or 17, the court shall hold an indictment return hearing.
- The hearing shall be conducted within 90 days of the date of the juvenile's first appearance. The court may continue the hearing for good cause.
- At the indictment return hearing, the prosecutor and the juvenile may be heard, and the juvenile's attorney may examine the returned indictment.

(d) The court shall determine if 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 when the juvenile was age 16 or 17. If the court finds that such a bill of indictment has been returned, the court shall transfer jurisdiction over the juvenile to superior court for trial as in the case of adults. The court shall then determine conditions of pretrial release, as required by G.S. 7B-2204.

§ 15A-627. Submission of bill of indictment to grand jury by prosecutor.

(c) A prosecutor may submit a bill of indictment charging an offense within the original jurisdiction of the district court when the offense constitutes a Class A, B1, B2, C, D, E, F, or G felony alleged to have been committed when a juvenile was age 16 or age 17. The prosecutor may include any offense based on the same act or transaction or on a series of acts or transactions connected together or constituting parts of a single scheme or plan of that felony, and any greater or lesser included offense of that felony, in the bill of indictment.

Effective date for changes to 15A-627 should read “Section \_\_\_\_ shall take effect immediately and apply to offenses committed on or after December 1, 2019.”

*One dissent was entered for 15A-627 from a JJAC member regarding the proposed indictment process: When a Class A through E felony allegation for a 16 or 17 year old is brought to the grand jury pursuant to 7B-2200.5(a)(1), there must first be a petition filed alleging a delinquent act. This rule should also apply to any other allegation brought before the grand jury under this statute.*

## B. Subcommittees

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.

A sub-subcommittee was formed to discuss the process of juvenile capacity. Work in this group is on-going, and will likely continue following the end of the Juvenile Jurisdiction Advisory Committee.

- The capacity working group of the JJAC minimum age subcommittee was formed to discuss and propose legislative remedy for the lack of a juvenile standard for capacity. Current NC General Statute (15A-1001, 1002, 1003 and 7B 2401) does not contain a juvenile standard for capacity to stand trial. 7B-2401 states that the provisions of the adult standard applies to “all cases in which a juvenile is alleged to be delinquent.” The adult standard (15A-1001) states that the only examinable criteria for incapacity to proceed to trial is “mental illness or defect.” No process exists for remediation if a



juvenile is found to not have the capacity to proceed to trial (CST). If a juvenile is found to lack the CST, the case is dismissed, and NC Juvenile Justice and Delinquency Prevention has no jurisdiction over this case. The work of the subcommittee has centered around developing alternative legislative language and program design to implement any successful legislation.

### C. Remaining Issues

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 issues that could not be addressed in the JJAC timeframe and that others may wish to address in the future.

- Giving superior court judges authority to close court for juvenile cases
- 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.
- What happens to the audio in superior court upon remand?
- 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?
- What is the gang enhancement hearing process?
- 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, practices will likely be inconsistent 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? Are Prayer for Judgement Continued (PJC)s or conditional discharges counted as convictions?
- Discuss returning felony Chapter 20 motor vehicle offenses to the jurisdiction of 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 18<sup>th</sup> 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).

- Are parents still required to participate in court process once a juvenile turns 18? What if parent refuses to participate and juvenile isn't a minor? What if parent won't allow non-minor juvenile in their home? What if the juvenile was in foster care and parental rights were terminated so there is actually no legal parent?
- Representation following transfer
- Indecent Liberties Between Minors; Raise age of offender to 18?; Raise age of consent?

#### D. Remaining Recommendations from Previous Reports

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 JWISE effective July 1, 2025. 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).

## IV. Funding

#### A. Step Pay Plan and Compression Relief

The committee recommends instituting a step pay plan and providing compression relief for the Division of Juvenile Justice and Delinquency Prevention.

The Division is seeing staffing shortages both locally in county-operated juvenile detention centers and in state-operated youth development centers and detention centers.

Average vacancy rates:

- 24% for juvenile court services
- 38% for direct care facility staff

48% and 42% vacancy rates for Youth Service Behavior Specialists and Youth Counselor Technicians are concerning and have only recently increased slightly due to recent a recent hiring bonus and temporary retention pay at facilities.

Court Services and JJDP Central Office are volunteering at severely understaffed facilities to provide basic services.

JJDP is at a competitive disadvantage. Following the closure of county-operated Mecklenburg Juvenile Detention, JJDP focused on hiring at nearby Cabarrus Juvenile Detention Center. Over 170 interviews occurred, and only 10 people accepted the offer. Recruitment from the closing Mecklenburg was made impossible due to a \$22,000 cut in salary to work for the state.

In comparison to adult system pay, all adult system correctional officers and probation officers received a step pay plan and have seen positive outcomes in hiring and retention.



## B. Juvenile Justice

**Detention Beds:** 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, and later a \$2.5 million non-recurring re-entry line item in FY22 that included a reference to “Raise the Age” detention beds needs (SESSION LAW 2021-180, S105).

The General Assembly also provided:

- 24- bed Perquimans Detention renovation, 39 FTEs, operating and non-recurring furniture and vehicles
- 24-bed Richmond Detention renovation
- Dillon renovations for two cottages (70 beds); FTEs created from 2019 legislation
- 60-bed Rockingham Youth Development Center capital to construct, non-recurring vehicles and furniture, and 83 of the 122 FTEs.

The **Juvenile Jurisdiction Advisory Committee recommends funding** the Division of Juvenile Justice and Delinquency Prevention in the amount of \$9.8 million in FY24 (includes \$1.1 non-recurring) and \$8.7 million in FY25 recurring for juvenile detention and youth development center beds.

- Fund 70-bed expansion of Dillon for operating, furniture, and vehicles in two newly opening Dillon detention cottages (\$1,825,858 year 1 and \$1,105,858 year 2). This request does not include any FTEs. The General Assembly authorized renovation at Dillon to provide additional



detention beds in [S.L. 2020-15/H1187](#). Sufficient FTE were converted from [S.L. 2019-229/H1001](#) funding as a result of Mecklenburg Juvenile Detention's closure.

- Staff 24-bed Richmond Juvenile Detention Center with 47 FTEs (\$3,762,146 year 1 and \$3,372,146 year 2). This amount includes non-recurring funding for vehicles and furniture, and recurring operating. [S.L. 2021-180/S105](#) funded "Raise the Age" capital improvements to Richmond Regional Juvenile Detention Center: project code DPS21-1
- Complete staffing at 60-bed Rockingham Youth Development Center, a flex-use secure custody facility, providing 39 FTE and operating at \$4,198,193 recurring beginning July 1, 2023 to allow for 6-week BASIC training prior to opening the facility in August 2023. The General Assembly authorized inmate construction funding at the future Rockingham Youth Development Center in [S.L. 2020-15/H1187](#). [S.L. 2022-74/H103](#) authorized 83 FTEs of the 122 FTEs needed to operate the facility as well as non-recurring requirements.

The following table summarizes what the General Assembly has provided to-date (✓) and what is needed (X) to operate each facility.

Facility	Beds	Renovation/ Construction	FTE (positions)	Operating	Non-recurring
Dillon JDC	70	✓	✓	X	X
Perquimans JDC	24	✓	✓	✓	✓
Richmond JDC	24	✓	X	X	X
Rockingham YDC	60	✓	PARTIAL X	X	✓

Juvenile detention current bed capacity is 337 as of the writing of this report. Thirty of those 337 detention beds are located at youth development centers (Chatham, Lenoir) and will need to be returned to functioning as YDC beds to align with YDC projections from the Sentencing and Policy Advisory Commission. Fifteen of those 337 detention beds exist under a time-limited one-year agreement. By 2025, JJDP is projected to need 397 detention beds.

Future facilities:

- 1) 60-bed Rockingham Youth Development Center is scheduled to open August 2023.
- 2) 70 new beds on the Dillon Juvenile Detention Center campus are scheduled to open July 1, 2023, or sooner dependent upon ability to hire.
- 3) 24-bed Richmond Juvenile Detention Center is scheduled to open initially July 1, 2023, in a temporary renovated space that offers an open bed format instead of individual rooms until the permanent location can be fully renovated in 2025.
- 4) 24-bed Perquimans Juvenile Detention Center is scheduled to open fall 2023.

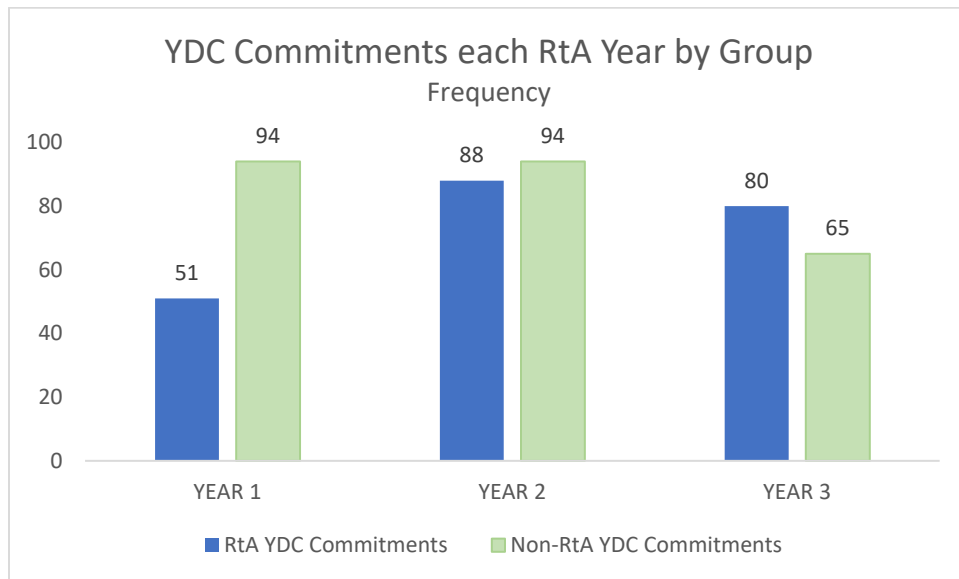
The following reflects the addition and subtraction of beds over the coming years to meet projections.

337 current detention beds  
 +70 at Dillon (July 2023 or sooner)  
 +24 at Richmond (July 2023 at temporary location)

-30 beds to be returned to YDC  
 -15 beds as MOA ends (November 2023)  
 +24 at Perquimans (Fall 2023)  
**=410 juvenile detention beds** with an additional 60 flex-beds in  
 Rockingham

Later in this report, the data behind this recommendation illustrates the increase in average length of stay and resulting gradual increase of average daily population due to criminal court and pre-trial transfer to superior court youth's longer stay in detention. The average daily population in juvenile detention increased 133% since "Raise the Age" was implemented.

The youth development center commitments between Year 1 and Year 3 of RtA implementation have remained constant in number, with RtA youth making up a larger percentage (55%) of commitments now than previously (35%).



The average daily population on-campus in YDCs decreased from 259 to 162 (37.5%) during the 10-year period from FY13 through FY22.

#### YDC Average Daily Population (FY 2013 – FY 2022)

	FY 12-13	FY 13-14	FY 14-15	FY 15-16	FY 16-17	FY 17-18	FY 18-19	FY 19-20	FY 20-21	FY 21-22
YDC ADP	259	218	203	198	189	184	208	171	142	162

#### C. Office of the Juvenile Defender

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 July 1, 2023, 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.

#### D. The Conference of District Attorneys

Resource Prosecutors (\$298,885 recurring): The Committee recommends funding two Juvenile Court resource prosecutors in the NC Conference of District Attorney's office beginning October 1, 2023, at a cost of \$298,885 recurring to support district attorneys statewide in the administration of juvenile law and process. With the Raise the Age implementation, the need for prosecutorial support has increased exponentially.

Beginning on Oct. 1, 2018, the Conference received the first federal grant from the Office of Juvenile Justice and Delinquency Prevention (OJJDP) that provided one juvenile resource prosecutor (JRP) to assist, advise and train prosecutors, law enforcement, and other allied professionals. In February 2022, the Conference employed a second Juvenile Resource Prosecutor because the needs could not be fulfilled by only one resource. Both positions are funded through a direct federal grant with OJJDP that ends Sept. 30, 2023.

The JRPs have developed more than 30 virtual and live training programs and have trained more than 2,300 prosecutors, law enforcement, and other allied professionals. Since the inception of these grant funded positions, the JRPs responded to more than 575 individual requests for legal research and practical advice. They have prosecuted more than 20 juvenile cases including 7 homicides and numerous other complicated conflict cases. Additionally, the JRPs assisted covering juvenile court in two counties while the juvenile prosecutor was on extended leave. The Resource Prosecutors will develop additional training materials such as legal updates, articles, a technical support listserv, a juvenile prosecution manual, online resources, and in-person presentations. Training topics will include victims' 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, procedural, 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 60% of prosecutors have less than five years of experience); (2) technical and legal research support continues to be in high demand with the 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 will have access in 2025; (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.

#### E. Administrative Office of the Courts

SL 2019-229, “Raise the Age Funding” provided the following positions to the Judicial Branch:

- Effective 7/1/2019
  - 9 Assistant District Attorneys
  - 7 Deputy Clerks
- Effective 7/1/2020
  - 7 Assistant District Attorneys
- Effective 1/1/2021
  - 8 District Court Judgeships
- Effective 7/1/2023
  - 1 Assistant District Attorney

The newly authorized positions were largely allocated by the North Carolina General Assembly to counties or districts with the greatest existing staff resource deficits prior to any additional workload anticipated due to raise the age. However, these positions do not address all of the resources needed by the constituent judicial branch stakeholders to meet the existing staff deficiencies, based on filings through 6/30/2022.

Given the effective date of 12/1/2019 of Raise the Age, additional juvenile filings will increase current staffing needs. While it is assumed that the proportion of these new juvenile filings relative to adult filings will be roughly equal across all 100 counties, the following 10 counties will likely experience the largest raw number increase in juvenile cases (ranked by highest volume): Wake, Mecklenburg, Guilford, Forsyth, Union, Johnston, Cabarrus, Gaston, Randolph, and Cumberland. As data are collected on juvenile case volume after 12/1/2019 and following the effects of COVID-19 on the courts, this report will provide updated staffing need numbers based on actual impact.

The Juvenile Jurisdiction Advisory Committee accepts the Administrative Office of the Courts’ recommendation as to the current deficit of resources as calculated using the National Center for State Courts formula. Therefore, the Juvenile Jurisdiction Advisory Committee recommends funding the existing Judicial Branch staff deficiencies in the following key positions effective 1/1/2023 at an FY 22-23 annualized cost of \$4,667,814 and non-recurring cost of \$367,122. The FY 23-24+ impact of these positions is \$9,335,627 recurring and \$0 non-recurring.

The existing deficiencies, and their jurisdictions of need, are as follows:

- Five District Court Judgeships in the following districts (sorted by neediest district first):

District	County(ies)	Judges Authorized 1/1/2023	Unrounded Judges Needed	Judge to Workload Ratio	Judgeships Needed
15A	Alamance	4	4.89	81.8%	1
17A	Caswell, Rockingham	4	4.87	82.2%	1
23	Alleghany, Ashe, Wilkes, Yadkin	4	4.78	83.6%	1
30	Cherokee, Clay, Graham, Macon, Swain, Haywood, Jackson	6	6.84	87.7%	1
4	Duplin, Jones, Sampson, Onslow	9	9.72	92.6%	1
<b>Statewide</b>		<b>285</b>			<b>5</b>

- 10 Assistant District Attorneys in the following districts (sorted by neediest district first):

District	County(ies)	State-Funded FTE as of 7/1/2022	Prosecutor Need FTE	State-Funded to Workload Ratio	Positions Needed
15	Bladen, Columbus, Brunswick	17	17.5	88.5%	1
24	Guilford	41	42.3	90.0%	1
40	Buncombe	15	16.2	90.3%	1
43	Cherokee, Clay, Graham, Haywood, Jackson, Macon, Swain	16	16.8	91.9%	1
10	Wake	45	46.8	93.1%	2
26	Mecklenburg	62	64.7	93.3%	3
28	Montgomery, Stanly	7	7.8	94.9%	1
<b>Statewide</b>		<b>719</b>			<b>10</b>

- 19 District Attorney Legal Assistants, 1 District Attorney Investigator, and 4 District Attorney Administrative Assistants in districts with workload need based on their workload formula.
- 81 Deputy and Assistant Clerks in counties with workload need based on their workload formula.
  - Historically, the Clerk Resource Committee and/or Clerk Executive Committee has provided the NCAOC Director with a recommendation for where to place newly authorized clerk positions according to the workload formula. Traditionally, the NCAOC Director has followed these recommendations.

*NOTE: 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.*

## **V. A Brief Legislative History of the Juvenile Justice Reinvestment Act (JJRA)- Updated to include recent legislation**

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, barring emergencies, 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 revisions to 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” legislation, such as in Illinois, New York, and Louisiana (April 2019 JJAC meeting).

The following law reflects system reform as an evolutionary process and provides scope of system change throughout the years of data reported in this document.

- 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 Raise the Age 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, information technology, human resources, field support, transportation, school counselors, community programs contract management and technical assistance, and 97 juvenile court counselors and renewal of the 65 Court Services positions previously provided in S.L. 2018-5 (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 Services positions 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 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. Rockingham is scheduled for completion in August 2023.
  - 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. 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 expungement. 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
  - Changed the JCPC funding cycle from every year to every two years
  - Allows for multi-district program collaboratives
  - Effective Aug. 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 may be served at Foothills unless it is a split sentence (also known as special probation). Those split sentence youth are held in juvenile detention.
- SESSION LAW 2021-180, S105:
  - Funded “Raise the Age” capital improvements to Richmond Regional Juvenile Detention Center: project code DPS21-1 (\$10,702,952).
  - Provides funding (\$2.5 million non-recurring in FY22) for the Juvenile Justice to expand wraparound services for youth who are transitioning from youth development centers into their communities. Funds will expand capacity and necessary services on a non-recurring basis to address the increase in youth detention following the passage of S.L. 2017-57 (Raise the Age) legislation during the COVID-19 pandemic.
- SESSION LAW 2021-123, S207:
  - Raises the age of juvenile jurisdiction from age 6 to age 10 for most juveniles. The age of juvenile jurisdiction for all undisciplined offenses (e.g., truancy, runaways and other status offenses) is now 10. However, an 8- or 9-year-old who either has a prior court judgement (adjudication) of delinquency or who commits a felony class A through G delinquent offense will remain under juvenile jurisdiction.
  - Updates G.S. 7B-2502 regarding a court’s authority to order a comprehensive clinical/mental health assessment for adjudicated delinquent youth with suspected mental illness (i.e., severe emotional disturbance), developmental disability, or intellectual disability prior to entering a disposition/consequence. A multi-system Care Review Team may be created for these youth who are subject to a youth development center disposition or placement in a Psychiatric Residential Treatment Facility to recommend a plan for care.
  - 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);



- Allows 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.
- **SESSION LAW 2022-73, H252:**
  - Recodified G.S. 20-107, Injuring or tampering with a vehicle, as G.S. 14-160.4. Recodifying this offense to Chapter 14 allows juveniles aged 16 and 17 to be charged and processed through the juvenile justice system, and limits dual jurisdiction youth.

## VI. Other Subcommittee Reports

The Minimum Age subcommittee of the Juvenile Jurisdiction Advisory Committee (JJAC) was chaired by Judge J. Corpening. Subcommittee membership includes the following voting members: Betty Budd, Tarrah Callahan, Krista Hiatt, William Lassiter, Jeffrey Ledford, 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, Dr. Maureen Reardon, Amber Hardy, Maxine Evans-Armwood, Cindy Porterfield, Lyana Hunter, Corye Dunn, Justin Davis, Kris Parks, Michelle Lynch and Lorrie Dollar.

The inaugural meeting of the subcommittee was held Jan. 31, 2020, and subcommittee work led to a JJAC recommendation that informed the General Assembly, resulting in the passage of S.L. 2021-123/S207 raising the minimum age of juvenile jurisdiction in North Carolina.

Between Dec. 1, 2021 implementation and Nov. 30, 2022, juvenile consultations were initiated for 102 offenses for 71 youth ages 6-9 through Juvenile Court Services. 21.6% of the 102 offenses were low level felonies and the most common felony offense was breaking or entering a motor vehicle. Over three quarters were for misdemeanor offenses and the most common misdemeanor offense was simple assault.

Fourteen cases of eight- and nine-year-olds with either a prior delinquent adjudication or felony class A-G offense proceeded through the juvenile complaint process, separate from juvenile consultations.

Juvenile Consultation Decision	Count of Juveniles
<b>Accepted and Closed</b>	41
<b>Accepted: Pending parent/guardian/custodian Decision</b>	3
<b>Accepted: Retained for Case Management</b>	20
<b>Not Accepted: Complaint addressed and no vulnerable juvenile consultation services needed</b>	3
<b>Not Accepted: Legally insufficient</b>	2
<b>Not Accepted: Parent/guardian/custodian opted out</b>	22
<b>Not Accepted: Services not required</b>	1
<b>Undecided as of 12/1/22</b>	10
<b>Total</b>	<b>102</b>

## VII. A Brief Funding History of the Juvenile Justice Reinvestment Act (JJRA)

The North Carolina General Assembly invested \$55,673,609 in “Raise the Age” including \$3,577,506 in creating seven deputy clerk positions, seven district court judge positions, nine assistant district attorneys, and three district attorney legal positions in the Administrative Office of the Courts. The NCGA also funded equipment, transportation vehicles, office furniture and other non-recurring items for positions created and facilities built. To-date, \$34,342,952 in capital has been authorized. Capital includes the construction of 60-bed Rockingham Youth Development Center, and renovations to Dillon, Perquimans (24-bed), and Richmond (24-bed) campuses to provide additional secure custody beds.

	FY18	FY19	FY20	FY21	FY22	FY23	FY24
<i>Recurring</i>			\$ 1,332,252	\$ 45,893,089			\$ 8,448,268
<i>Capital</i>	\$ 13,200,000			\$ 10,440,000	\$ 10,702,952		

Raise the Age began with two years of planning in preparation for the Dec. 1, 2019 implementation. Planning funds were used to contract with the UNC-School of Government to construct and provide training (11 forums with approximately 533 stakeholders), write the implementation guide, create a new juvenile justice system process flow, work with law enforcement to provide process cards with juvenile legal rights for ease of reference, and deliver process training in-person throughout the state both to stakeholders and Juvenile Justice staff. Since implementation and following the raising of the minimum age of juvenile jurisdiction, the UNC-School of Government issued an amended implementation guide, law enforcement card, and process flow. Juvenile Justice provided an initial by county projection to county managers for budget preparation. Planning funds were also used to purchase and build business analytics tools to allow Juvenile Justice management and stakeholders to track and report on the evolution of “Raise the Age” within the juvenile justice system.

The business analytics employed allowed for reporting in former interim Juvenile Jurisdiction Advisory Committee reports and this final report, updates to interested parties, monitoring for resource dedication (e.g., transitioning youth development center beds to detention beds to address population increases), and providing a public-facing dashboard to inform local School Justice Partnerships in each county of their school-based offense trends (<https://www.ncdps.gov/our-organization/juvenile-justice/juvenile-justice-dashboards>).

## VIII. Systemwide Expansion

### A. Scope (Fiscal Year)

**“Raise the Age” expanded the juvenile justice system by 63%.** “Raise the Age” youth made up 40% of distinct juveniles with complaints received in FY22.

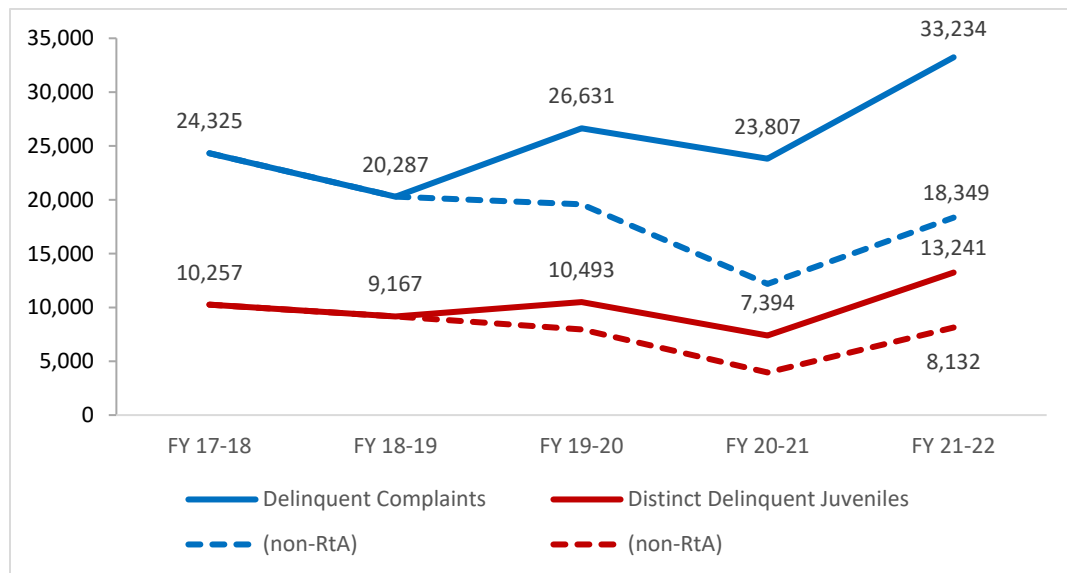
Total distinct juveniles FY22: 13,241

Non-RtA juveniles FY22: 8,131

RtA juveniles FY22: 5,324

Overall, juvenile delinquency complaints have increased 37% and the number of juveniles receiving a complaint has increased 29% from FY18 to FY22. However, complaints for youth under age 16 have declined 25% and the number of juveniles declined 21% between FY18 and FY22.

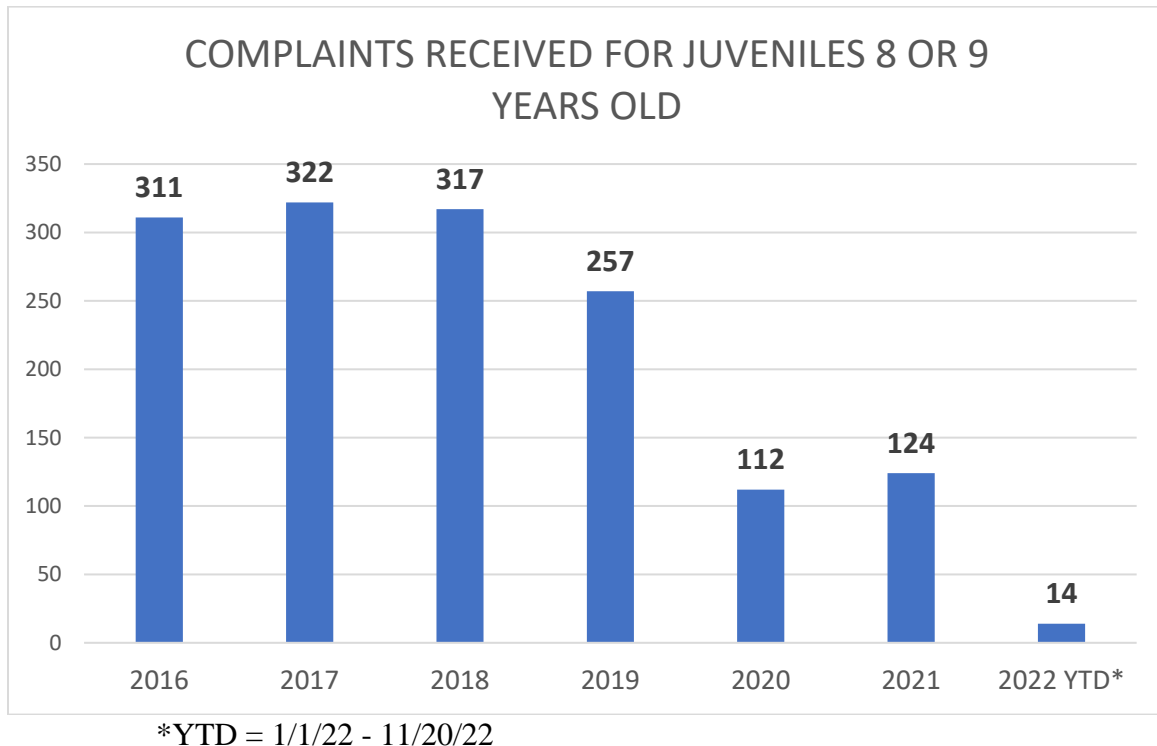
**Delinquent Complaints and Distinct Juveniles with Delinquent Complaints (FY 2018 – FY 2022)**



Overall, the juvenile justice system is providing more diverse diversion services and more targeted contractual services to youth throughout the state. Ninety-nine of 100 North Carolina counties now have access to Teen Court programming. More crisis and residential options exist in the corners of the state where law enforcement previously had few options other than detainment in juvenile detention. With facility-based transition and career-readiness coaches in youth development centers, along with the addition of vocational programming such as telecommunication wiring and various vocational certifications, students are more prepared to return to their home communities with a plan in place and initial employment secured.

In the past three years, there has been a 14% increase in Level I dispositions (1,962 to 2,228) and a 7% increase in Level II dispositions (1,818 to 1,948). Note that courts were operating with a limited capacity starting in the last quarter of FY 2020 and into FY 2021 due to the Covid-19 pandemic.

Raise the Age benefited the younger population not only by providing additional and different programming options across the state, but also by re-defining at what age court involvement is appropriate. SESSION LAW 2021-123, S207 raised the minimum age of juvenile jurisdiction to 10 with exceptions (an 8- or 9-year-old who either has a prior court judgement (adjudication) of delinquency or who commits a felony class A through G delinquent offense will remain under juvenile jurisdiction).



The benefits to the younger population were not part of the initial “Raise the Age” rationale. “Raise the Age” youth represent a larger proportion than younger youth of the YDC population.

#### B. 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 63% systemwide increase. 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 project resource needs.

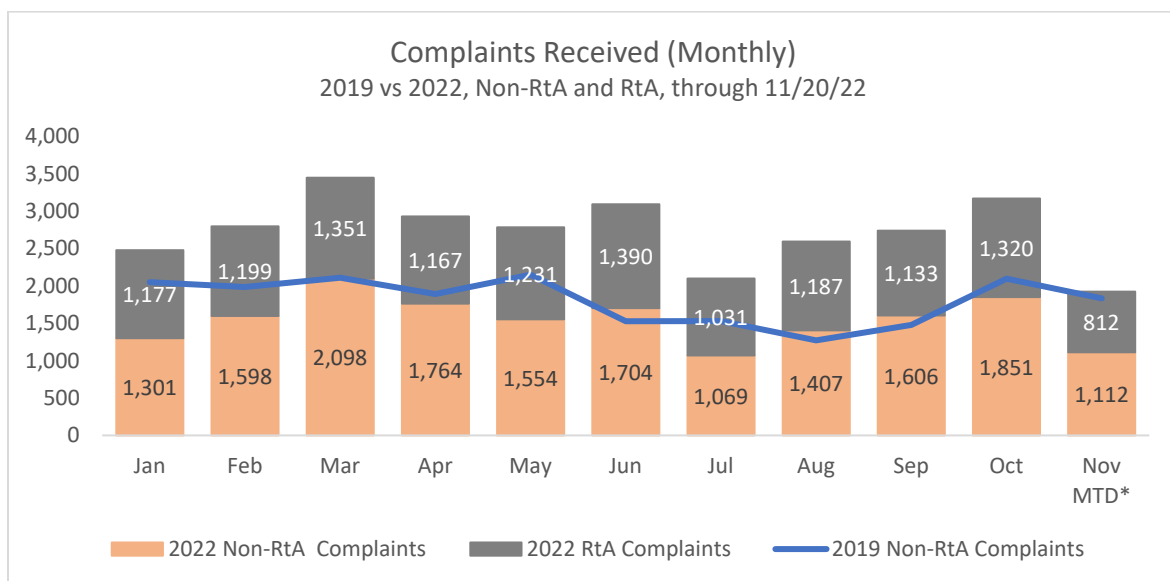
When comparing complaints received to complaints projected, differences highlight: 1) whether the Raise the Age population complaints followed the same pathways as those for 15-year-olds previously in the juvenile justice system, and 2) whether statistical defendant data from criminal court replicated itself in the juvenile justice system. However, differences including school closures and a pandemic may add an extra layer of complexity when translating the data.

One key difference between pre-RtA youth and the RtA population is the percentage of intakes resulting in a stay in juvenile detention given the evolving definition of who would be staying in juvenile detention. As the state responded to new federal requirements (the JJDPa), a larger population of 16- and 17-year-olds became subject to juvenile detention. Therefore, the average 6.4% of intakes resulting in detention that was projected became 10.3% of intakes; and the 7.8% of distinct juveniles detained became 10.8% of distinct juveniles.

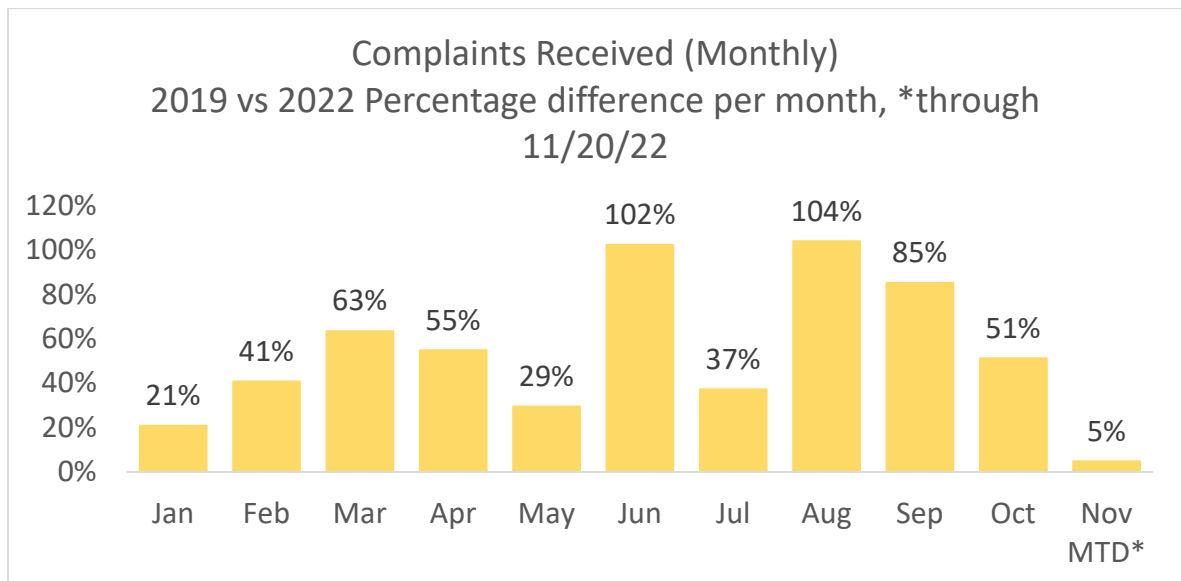
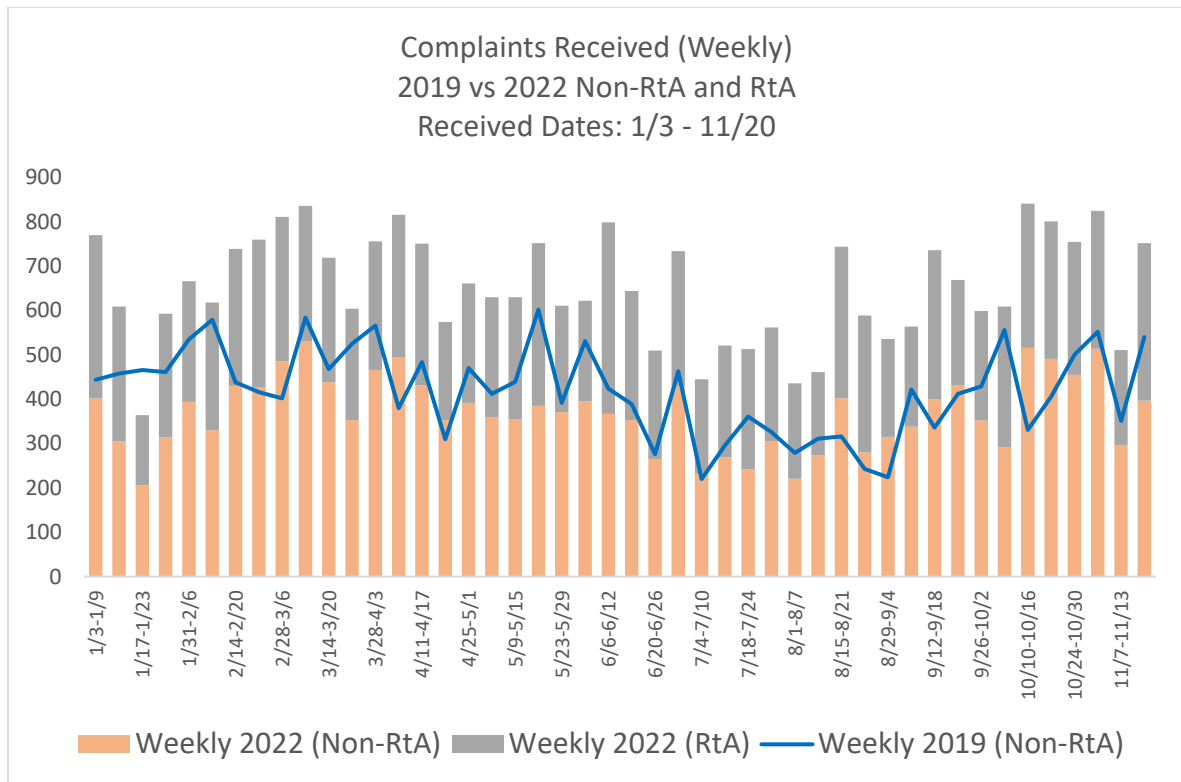
Raise the Age affected 13,499 youth for which 39,039 complaints were received Dec. 1, 2019, through Nov. 20, 2022.

- Year 1 (Dec. 1, 2019-Nov. 30, 2020): 12,350 delinquent complaints were received for 4,103 juveniles aged 16 or 17 on the date of offense.
- Year 2 (Dec. 1, 2020-Nov. 30, 2021): 12,448 delinquent complaints were received for 4,087 juveniles aged 16/17 on date of offense.
- Year 3 (Dec. 1, 2021-Nov. 20, 2022): 14,241 delinquent complaints were received for 5,309 juveniles ages 16/17 on date of offense.

The following illustrates 2022 Raise the Age complaints and non-RtA complaints compared to 2019 complaint counts (pre-RtA).



\*MTD is Nov. 1, 2022-Nov. 20, 2022.



\*MTD is Nov. 1, 2022-Nov. 20, 2022.

### C. Risk and Needs

JJDP implemented the YASI (Youth Assessment Screening Instrument) to better measure risk and needs of youth in the juvenile justice system. In FY22, the YASI in full or part was administered to 15,740 juveniles and the highest score per item administered in the year tallied to create an initial portrait of JJDP youth as a whole. Findings indicate that:

- 36% of JJDP youth have mental health problems (same % for diagnosed)
- 8% indicated physical abuse history
- 7% indicated sexual abuse history
- 34% use alcohol or drugs
- 9% have a neglect indicator
- 10% have a foster/independent living/no permanent address indicator
- 5% dropped out of school
- 17% indicate they bully or threaten people
- 10% indicate they are a victim of bullying
- 8% are gang associates/seen with gang members and 2.4% are gang members
- 15% have a learning disability and may have a formal IEP/plan
- 10% have a behavior disability and may have a formal IEP/plan
- 9% have ADD/ADHD disability and may have a formal IEP/plan
- 8% have suicidal ideation; 3% have attempted suicide; and 3% have homicidal ideation
- 34% exhibit assaultive behavior and 44% believe violence is sometimes or often appropriate or necessary.

#### D. Decisions

In managing each juvenile's case, the juvenile's risk of reoffending and individualized needs are considered along with the totality of circumstances in making recommendations to the court, diverting, or closing the case. The following data reflects decisions made on "Raise the Age" complaints between Dec. 1, 2021 and Nov. 20, 2022.

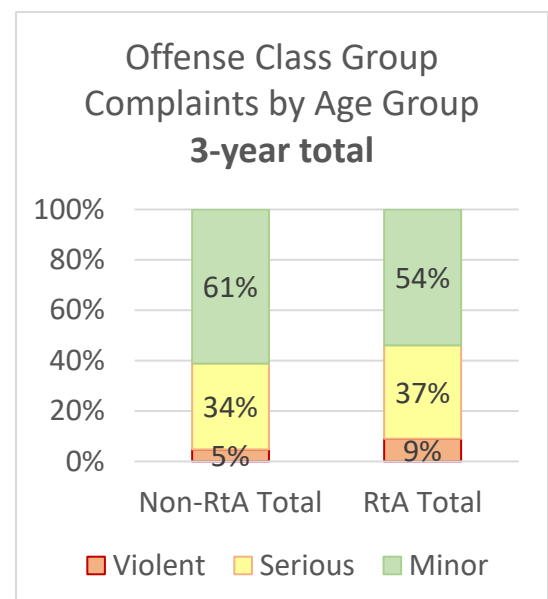
Decision	Felony Class A to G Complaints	Felony Class H to Infraction Complaints
Approved	98.62%	63.59%
Diverted	0.42%	14.83%
Closed	0.96%	21.57%

#### E. Offense Group

Like their younger counter parts, "Raise the Age" youth offenses are predominantly minor offenses. The following data represents "Raise the Age" offenses between Dec. 1, 2021, and Nov. 20, 2022. The graphic provided illustrates a 3-year percentage (Dec. 1, 2019-Nov. 20, 2022).

##### Year 3 of RtA Complaints by Offense Group

10% Violent (9.7%)  
 34% Serious (33.8%)  
 57% Minor (56.5%)



## **IX. Policy/Administrative Changes**

***Housing all secure custody youth under age 18 in juvenile detention:*** Originally through S.L. 2017-57, “Raise the Age,” and later through H593/S.L. 2020-83, at sheriffs’ urging and in response to the federal Juvenile Justice and Delinquency Prevention Act (JJDPA), JJAC sought and obtained support from the General Assembly for housing all youth under age 18 in juvenile detention whether their offense commences in the adult or juvenile systems. JJDPA requires sight and sound separation in secure custody facilities between adult offenders and youth under age 18. This physical separation can be costly to sheriffs and receipt of federal dollars depend on compliance. NC is in compliance with JJDPA requirements. As a result of this legislative change, more than a quarter of youth confined in juvenile detention are adult system youth. Adult system youth spend nearly six times longer in juvenile detention than juvenile system youth. The pace of the adult system court process now largely drives juvenile detention bed availability.

***Videoconferencing:*** In its Jan. 15, 2019, report, the Juvenile Jurisdiction Advisory Committee recommended “that the General Assembly fund a unified video conferencing system, with the Administrative Office of Courts to administer standards in consultation with the Department of Public Safety, that allows communication between both juvenile detention and adult detention facilities and the courts to reduce transportation costs, improve access to the courts, and improve safety.” While specific funds were not dedicated to this initiative, the Governor’s Crime Commission did provide grant funding for the purpose of procuring and installing videoconferencing boards in each of the secure custody facilities and juvenile district court services offices in the state. These boards are used for service planning, e-courts, visitation, and telehealth services. The Chief Justice’s E-Courts initiative furthers this work.

***Whether to stagger implementation:*** Original legislation (S.L. 2017-57) asked members of JJAC to present a plan including cost estimates for capital/operating/staffing, administrative and funding recommendations necessary to implement an increase in juvenile jurisdiction to include 16- and 17-year-old persons if the implementation was staggered based on age. For instance, how much would implementation cost if 16-year-olds were under juvenile jurisdiction during the first year of implementation and 17-years-olds were included in year two. JJAC recommended that implementation be undertaken in full, at one time, rather than staggered given the annual savings associated with full implementation. JJAC found that staggered implementation would postpone the potential \$29,263,274 annual savings associated with 17-year-olds entering under juvenile jurisdiction.

***Whether to exclude specific offenses:*** The NC General Assembly asked JJAC to review a list of specific offenses and determine whether an exception to juvenile jurisdiction should be put in place for each specific offense. JJAC heard feedback from stakeholders conveying that treating certain offenses instead of classes of offenses differently presents a challenge to an officer on the street, who will need to determine whether to file a complaint or seek a warrant/citation/summons. JJAC therefore recommended:

- The committee recommends including items in SECTION 16D.4.(rr) (1) through SECTION 16D.4.(rr) (10) in juvenile jurisdiction.



- The committee further recommends amending SECTION 16D.4.(rr) (10) to read “Any H, I, or misdemeanor offense requiring registration as a sex offender pursuant to Article 27A of Chapter 14 of the General Statutes.”

For reference, the list of potential offenses to consider follows.

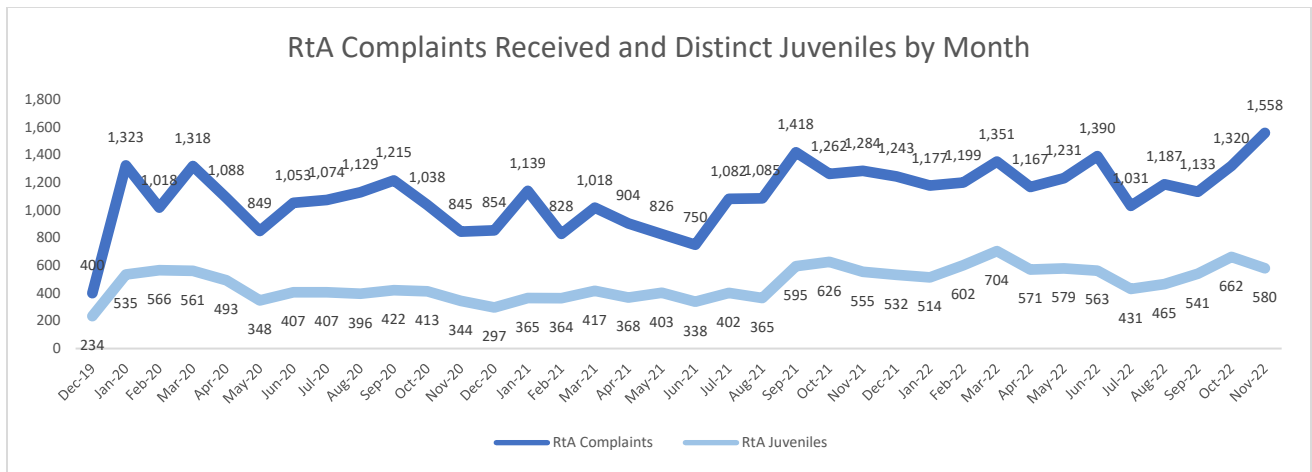
- (1) Habitual misdemeanor assault (G.S. 14-33.2)
- (2) Crime against nature (G.S. 14-177).
- (3) Obscene literature and exhibitions (G.S. 14-190.1).
- (4) Third degree sexual exploitation of a minor (G.S. 14-190.17A).
- (5) Solicitation of a child by computer to commit an unlawful sex act (G.S. 14-202.3).
- (6) Stalking when court order in effect (G.S. 14-277.3A).
- (7) The Class A1 offense of misdemeanor assault on a law enforcement officer.
- (8) Assault inflicting serious bodily injury; strangulation (G.S. 14-32.4).
- (9) Fraudulently setting fire to dwelling houses (G.S. 14-65).
- (10) Any offense requiring registration as a sex offender pursuant to Article 27A of Chapter 14 of the General Statutes.
- (11) Any other offense the Committee deems appropriate for exclusion.

## X. What happened?

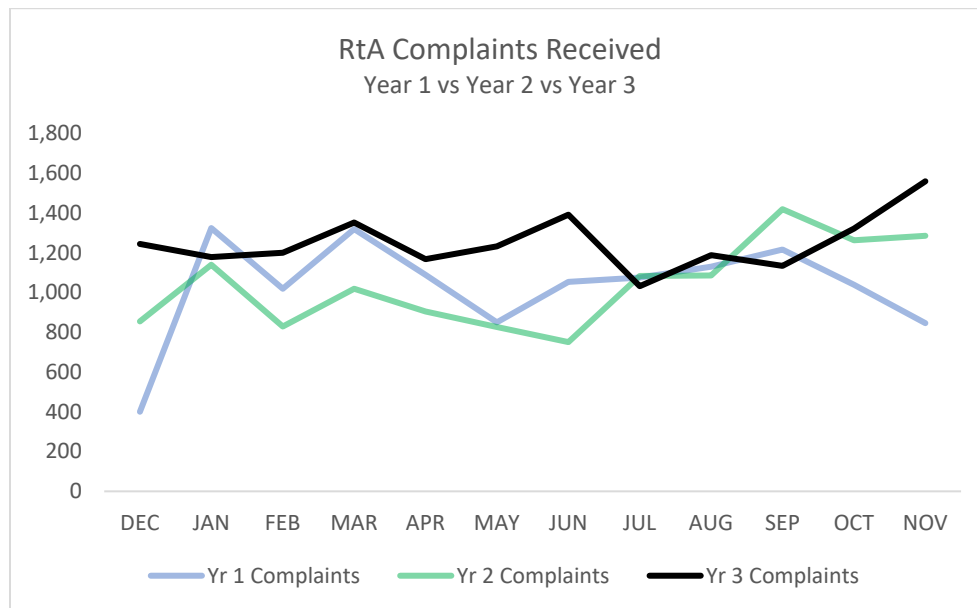
Between Dec.1, 2019 and Nov. 20, 2022, Juvenile Justice received 39,039 complaints for 13,499 “Raise the Age” juveniles.

RtA Year	RtA Juveniles	RtA Complaints
<b>Year 1</b>	4,103	12,350
<b>Year 2</b>	4,087	12,448
<b>Year 3</b>	<u>5,309</u>	<u>14,241</u>
	<b>13,499</b>	<b>39,039</b>

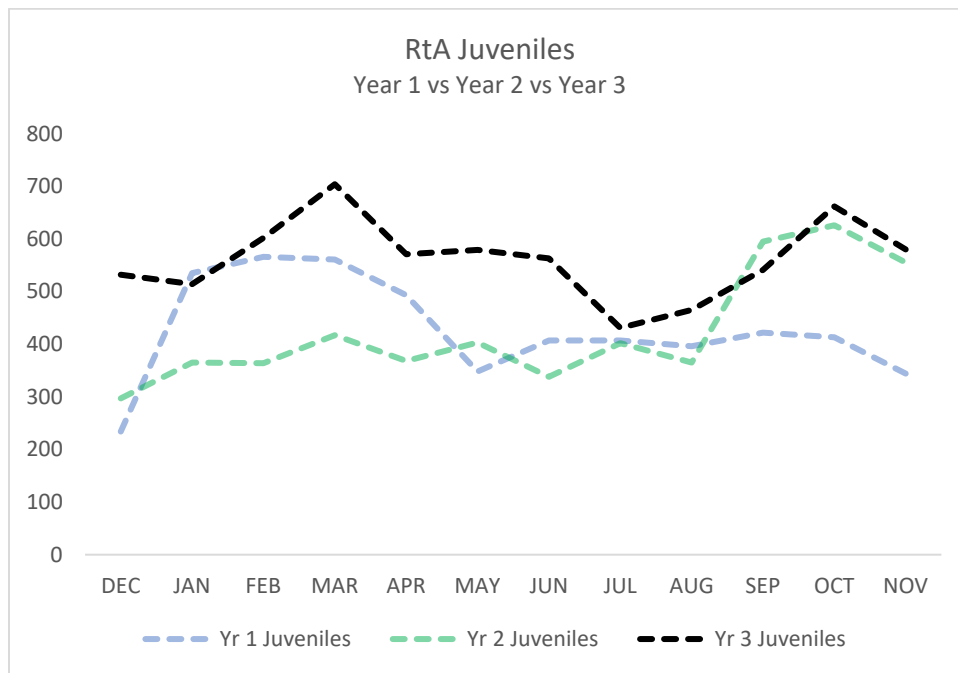
Measure	DEC	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV
Yr 1 Complaints	400	1,323	1,018	1,318	1,088	849	1,053	1,074	1,129	1,215	1,038	845
Yr 2 Complaints	854	1,139	828	1,018	904	826	750	1,082	1,085	1,418	1,262	1,284
Yr 3 Complaints	1,243	1,177	1,199	1,351	1,167	1,231	1,390	1,031	1,187	1,133	1,320	1,558
Yr 1 A to G Complaints	57	93	101	142	114	97	85	138	129	100	110	112
Yr 2 A to G Complaints	92	117	100	151	129	90	61	97	136	138	96	134
Yr 3 A to G Complaints	133	145	192	158	105	132	157	105	140	146	161	166
Yr 1 H to 3 Complaints	343	1,230	917	1,176	974	752	968	936	1,000	1,115	928	733
Yr 2 H to 3 Complaints	762	1,022	728	867	775	736	689	985	949	1,280	1,166	1,150
Yr 3 H to 3 Complaints	1,110	1,032	1,007	1,193	1,062	1,099	1,233	926	1,047	987	1,159	1,392
Yr 1 Juveniles	234	535	566	561	493	348	407	407	396	422	413	344
Yr 2 Juveniles	297	365	364	417	368	403	338	402	365	595	626	555
Yr 3 Juveniles	532	514	602	704	571	579	563	431	465	541	662	580
Yr 1 A to G Juveniles	42	62	53	53	66	48	49	65	62	62	68	64
Yr 2 A to G Juveniles	45	73	66	81	70	57	46	53	62	70	66	58
Yr 3 A to G Juveniles	62	67	72	86	55	74	82	67	69	73	81	68
Yr 1 H to 3 Juveniles	200	502	538	530	451	323	379	371	363	387	373	307
Yr 2 H to 3 Juveniles	276	322	326	369	326	367	311	371	335	557	588	525
Yr 3 H to 3 Juveniles	493	474	563	655	537	537	532	394	419	498	619	543



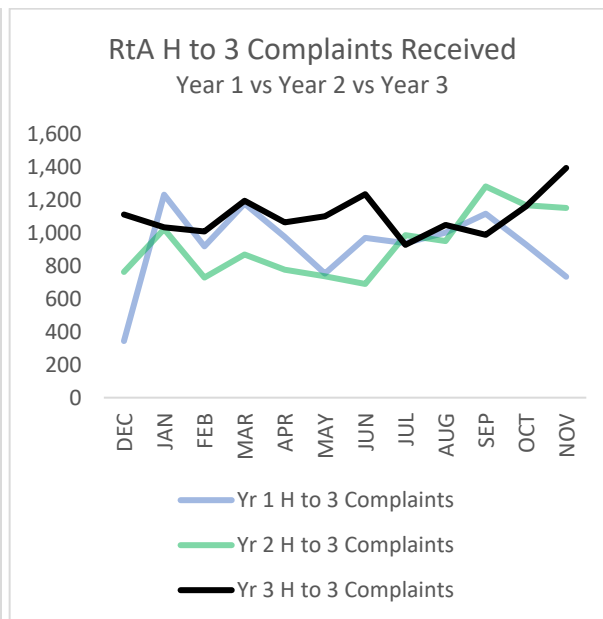
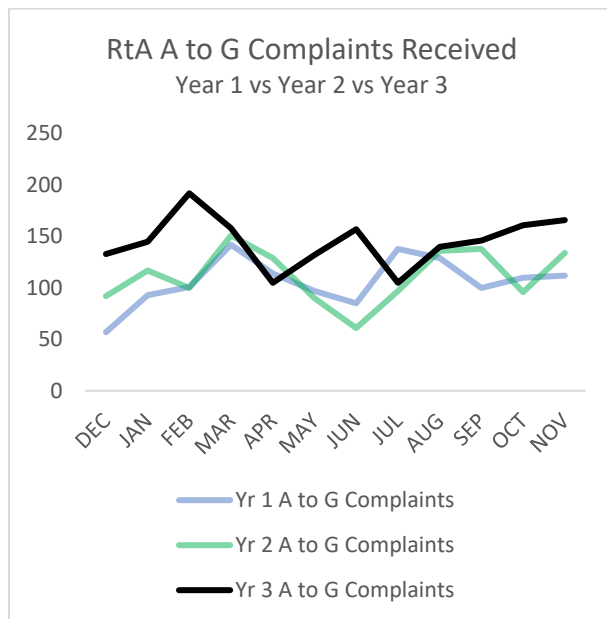
The following graphic represents **complaints** received each implementation year.

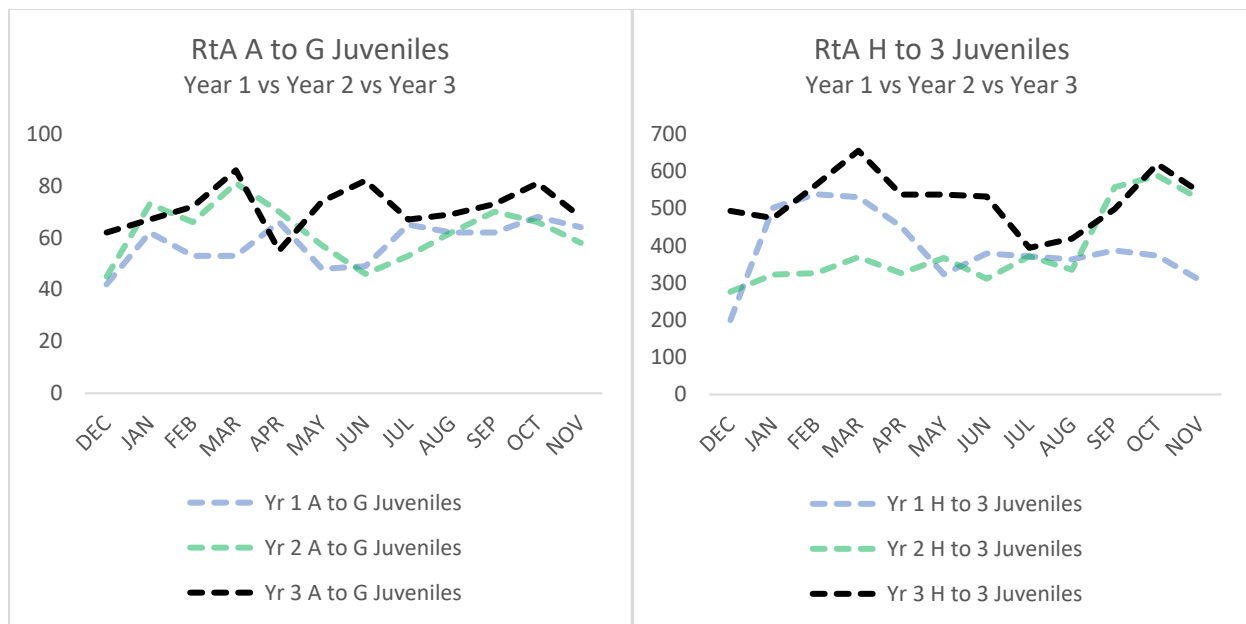


The following graphic represents the **juveniles** associated with those complaints each implementation year.



The following graphics represent complaints and juveniles divided by their offense class groups:  
1) Felony Class A- through G offenses, and 2) Felony Class H through misdemeanor offenses).





For instance, November 2022 saw a rise in complaints and a decline in juveniles, reflecting a higher complaints per juvenile ratio month.

## XI. 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.

According to the State Bureau of Investigation, arrests have decreased 70% over the past five years for youth under age 18.

### A. NC Demographer

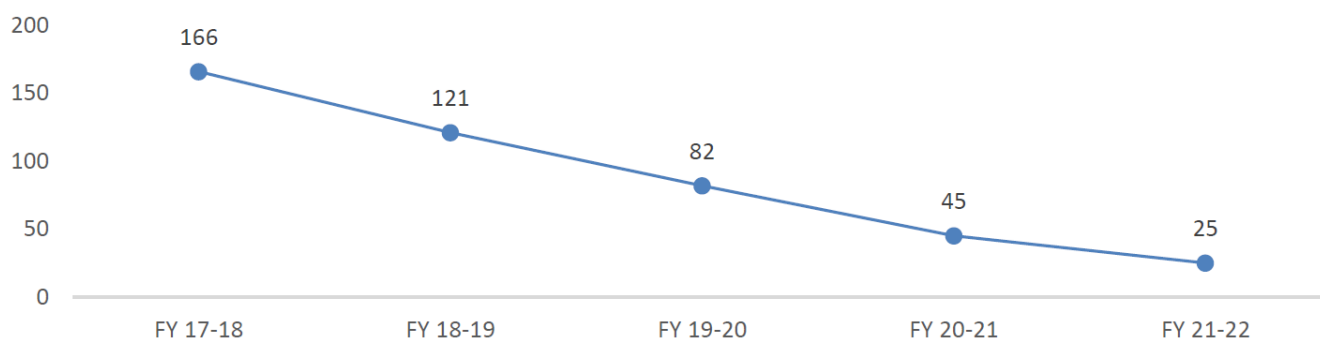
In November 2022, the state demographer projected the youth population (ages 10-15) will decline until 2027 when it will increase slightly; and the RtA population (ages 16-17) is expected to experience growth in the immediate future but decline in later years.

### B. Adult Correction

Adult Correction reports a decline in prison entries and average daily population for persons under age 18 during fiscal year 2021-2022. During FY22, 25 prison admissions were received for youth under age 18, representing an **85% decline** since FY18.<sup>1</sup>

<sup>1</sup> Department of Public Safety, Adult Correction Analysis, Programming and Policy, Administrative Analysis. Prison Entries, Average Daily Population, and Average Length of Stay for Inmates Under Age 18 in FY21-22 (SR2207-20): 2022.

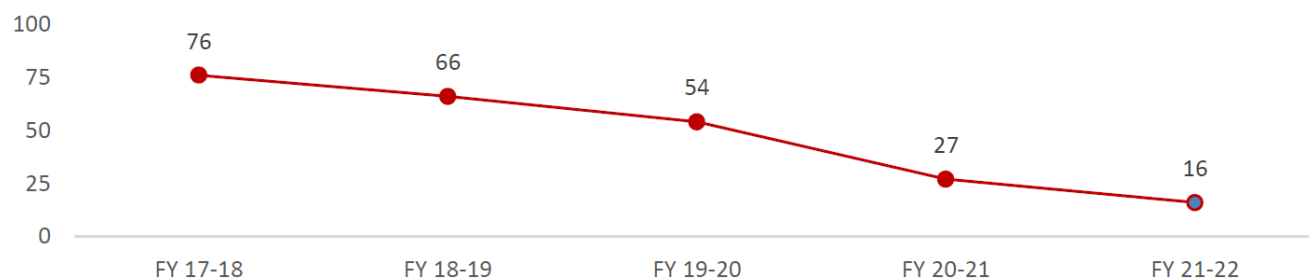
**Figure 1: Prison Entries Under Age 18 on Admission Date**



*NOTE: These calculations year over year do not include safekeepers or CRV entries.*

A **79% decline** in average daily population for youth in prisons was seen from FY18 to FY22. The average daily prison population of youth under age 18 was 16 in FY22. The average length of stay was 107 days for youth released during FY22.

**Figure 2: Average Daily Prison Population Under Age 18**



### C. Transfers to Superior Court

Regarding transfers to superior court, Juvenile Justice looked at youth with at least one complaint transferred to superior court between Dec. 1, 2019 and Nov. 20, 2022. Nine hundred juveniles transferred during this time period (827 or 92% were RtA juveniles). Since Dec. 1, 2019, an average of 25 youth are transferred to superior court a month; and between January and October 2022 the average transfers per month was 27.

Average complaints per transferred youth is 3.23, representing an increase in complaints per transferred youth from the preceding year (3.03).

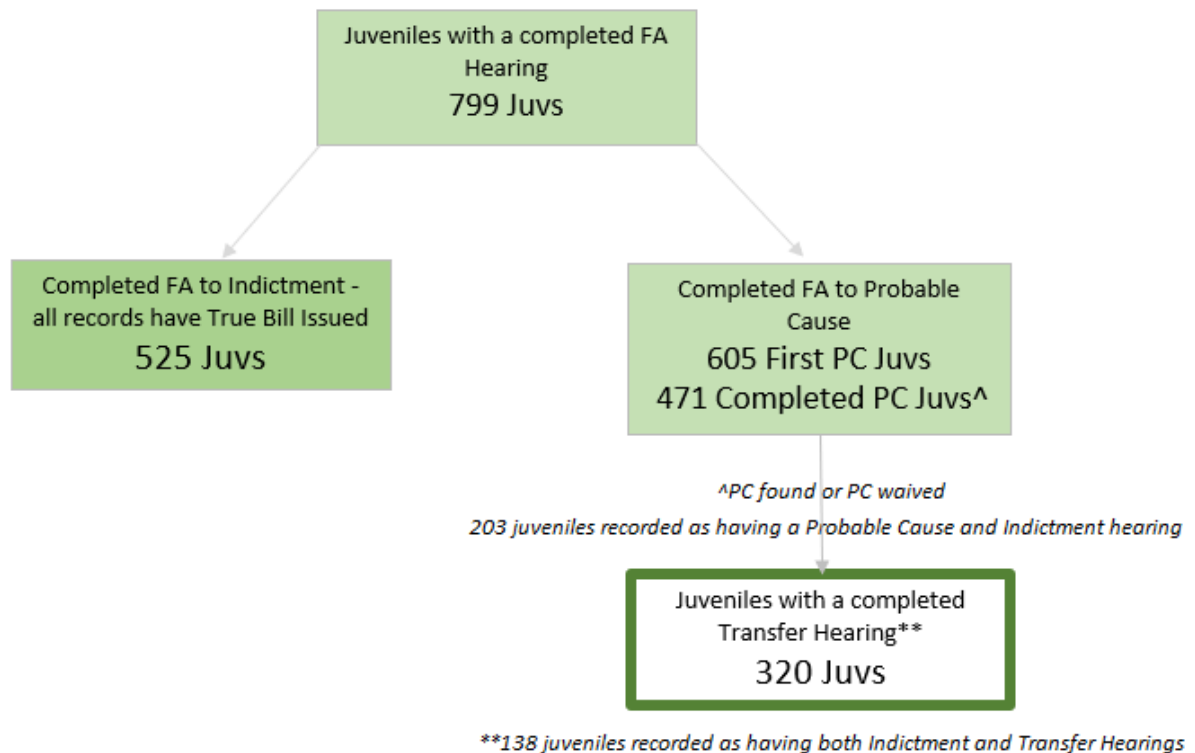
There were 73 youth under age 16 on date of offense who were transferred to superior court.

The table below illustrates for all transferred “Raise the Age” juveniles, the percentage by class of most serious offense.

**Juveniles Transferred to Superior Court - Most Serious Charged Class**  
*December 1, 2019-November 20, 2022*

Class	Juveniles	Percent
A	138	17%
B1	44	5%
B2	66	8%
C	110	13%
D	291	35%
E	100	12%
F	35	4%
G	23	3%
H	19	2%
I	1	0.1%
<b>Total</b>	<b>827</b>	

Seven hundred ninety-nine of the 827 distinct RtA juveniles completed a first appearance hearing. 98% (807 of 827) of transferred RtA juveniles had a Felony Class A-G offense, and 2% (20 of 827) had a Felony Class H or I offense.



Transfers to superior court consist of approximately 26% of the juvenile detention center population. Their exit from detention reasons are primarily bonded out (34%) and placed in jail

due to age (25%). 16% of transfers to superior court who are housed in juvenile detention come from Mecklenburg County; 8% from Forsyth; 6% from Cumberland; 6% from Durham; 6% from Wake; and 5% from Guilford.

#### **D. H593 Criminal Court Youth**

Effective Aug. 1, 2020, every criminal court youth ordered into secure custody pre-trial was 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 is 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 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 may be served at Foothills, unless it is a split sentence (also known as special probation). Those split sentence youth are held in juvenile detention.

Between Aug. 1, 2020 and Nov. 20, 2022, 267 detention admissions were classified as criminal court (H593) youth, averaging 10 admissions per month. Criminal pre-trial was the most common criminal court youth detention reason (76%), followed by 10% for criminal probation violation/probation modification. The average daily detention population for H593 criminal court youth is 13.

## **XII. Raise the Age: A Year in Review**

#### **A. Goals Attained**

Several key goals were attained in the first year, and continued into the second and third years:

- Maintained open lines of communication to accept feedback and solutions.
- Provided regular legislative and implementation updates to stakeholders through the Juvenile Jurisdiction Advisory Committee.
- Worked with UNC-School of Government to provide updated resources materials that reflect established law (most recently, S207/S.L. 2021-123).
- Continuing to implement age-appropriate programming and seeking specialized program for specific populations.
- Grew detention capacity throughout the state, with 3 secure custody facilities to open in the coming years (Rockingham, Richmond, and Perquimans).
- Opened new residential sites, one in Forsyth County and one in Union County.
- Juvenile Crime Prevention Council expansion budgets for 2019-20 and 2020-21 increased accessibility of Teen Court and other restorative justice models and rolled out a new protocol for JCPCs to engage in a two-year funding cycle.

- Pursuing pre-trial release opportunities, programming for gun violence prevention and gang involved/associated youth. Exploring programming in the areas of vulnerable juveniles, traffic offenses, and 18-21 year olds' re-entry.

#### B. Year 3 Data

Year 3 of Raise the Age saw:

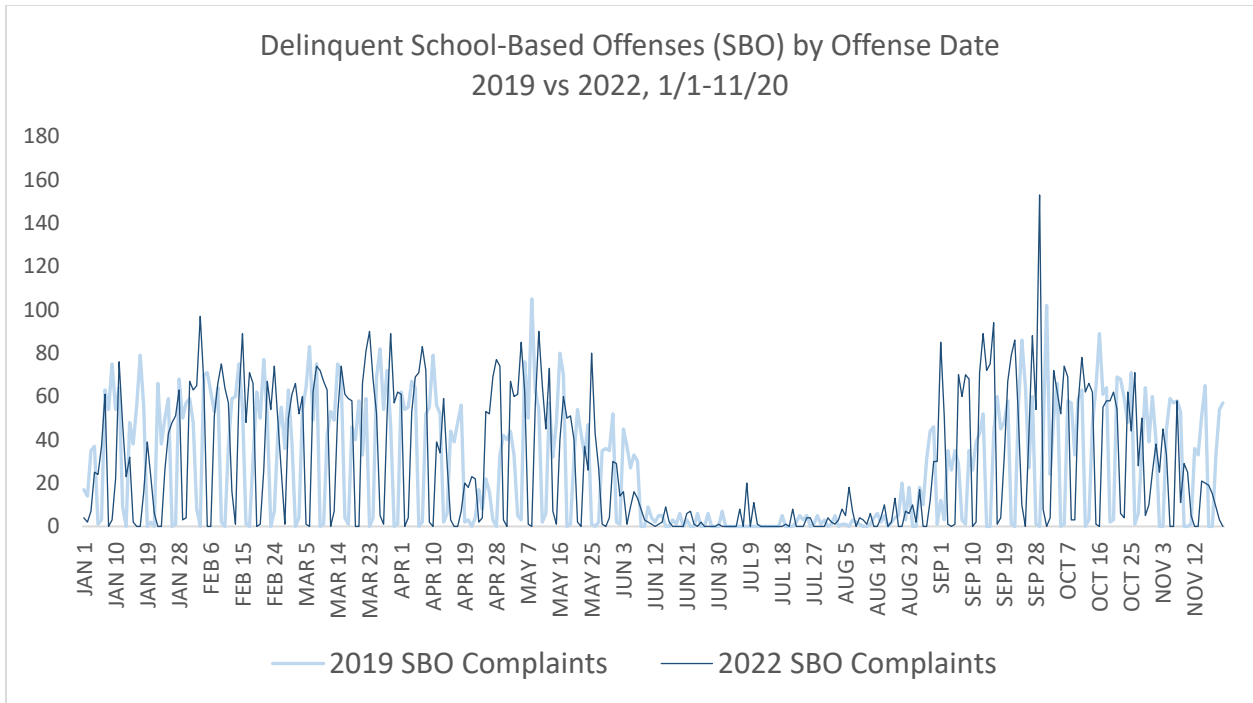
- 14,241 delinquent complaints for 5,309 juveniles aged 16/17 on date of offense.
- Three out of four RtA juveniles are male. Males are charged with more complaints per juvenile than females (3.01 Male, 1.79 Female).
- 64% of projected complaints were received in Year 3 of "Raise the Age" implementation. 137% of the A to G projected Year 3 RtA complaints were received; 63% of the Class H to 3 projected Year 3 RtA complaints were received.
- 57% of complaints received for RtA juveniles were "minor," 34% were "serious," and 10% were for "violent" offenses.
- 76% of RtA complaints are against youth of color. 70% of RtA distinct juveniles are youth of color.
- The most frequent offenses for RtA youth follow.

##### **Top 10 Complaints**

Simple assault (Class 2) - 9%  
 Break or enter a motor vehicle (Class I) - 6%  
 Possess handgun by minor (Class 1) - 4%  
 Larceny - Misdemeanor (Class 1) - 4%  
 Resisting public officer (Class 2) - 4%  
 Simple affray (Class 2) - 3%  
 Disorderly Conduct at School (Class 2) - 3%  
 Robbery with dangerous weapon (Class D/E) - 2%  
 Larceny of motor vehicle (Class H) - 2%  
 Communicating threats (Class 1) - 2%

- 24% of RtA complaints were school-based (n=3,387). The most common RtA school-based offenses (SBOs) are: Simple assault (17%), Disorderly Conduct at School (12%), Simple affray (11%), Possession of weapons other than firearms and explosives on school grounds (5%), Communicating threats (3.5%) and Simple possession schedule VI controlled substance (3.5%)





- 731 detention admissions resulted from “Raise the Age” offenses: 86% began as charged with a felony offense and 9% ended the stay in transfer to superior court status. 10% of RtA complaint intakes resulted in a detention admission.

### C. Prosecutorial Discretion

Prosecutorial discretion was implemented Dec. 1, 2021 and applies to Felony Class D, E, F, and G offenses whereby a youth aged 16 or 17 on date of offense may be retained under juvenile jurisdiction instead of being transferred to superior court.

Between Dec. 1, 2021 and Nov. 20, 2022, complaints were received for 538 juveniles aged 16/17 on date of offense, where the offense was a felony class D-G. Of the 235 juveniles who completed a probable cause hearing, probable cause was found or waived for 171 juveniles. 107 of those juveniles were adjudicated for the offense under juvenile jurisdiction; meaning that of the possible juveniles to retain under juvenile jurisdiction, prosecutors exercised this discretion 20% of the time.

### D. Race/Ethnicity and Gender, Complaints per Juvenile and Reverse Waivers

Nationally, between 2020 and 2050, the youth population ages 0-17 is expected to increase 6%, but the racial and ethnic makeup is expected to transition significantly with Hispanic youth increasing 28%, Asian/NHPI youth increasing 44%, youth of two or more races increasing 77%, Black/African American youth increasing 7%, and declines of 16% and 10% in White and American Indian/Alaskan Native respectively<sup>i</sup>.

The following data reflects NC trends in the ratio of complaints per juvenile.

- Complaints per juvenile are higher for males. The overall average complaints per juvenile is 2.4.

**Ratio - Complaints per Juvenile (> 2.40 is highlighted)**

Sex	Complaints per Juvenile: Non-RtA			Complaints per Juvenile: RtA		
	Year 1	Year 2	Year 3	Year 1	Year 2	Year 3
Female	1.83	1.87	1.73	2.06	2.02	1.78
Male	3.09	2.78	2.55	3.33	3.40	3.01

- The following table reflects complaints per juvenile by race. In all three implementation years, and for both the younger group and older group of juveniles, Black youth receive more complaints per youth than the average number of complaints per youth.

**Ratio - Complaints per Juvenile (> 2.40 is highlighted)**

Race	Complaints per Juvenile: Non-RtA			Complaints per Juvenile: RtA		
	Year 1	Year 2	Year 3	Year 1	Year 2	Year 3
American Indian or Alaska Native	3.28	2.04	2.07	3.50	2.41	2.51
Asian	1.63	1.39	1.46	2.33	3.63	3.10
Black	3.23	2.95	2.55	3.53	3.46	3.04
Hispanic/Latino	2.80	2.35	2.00	3.26	3.11	2.45
Native Hawaiian or Other Pacific Islander	3.00	1.50	1.71	2.00	1.75	1.20
Two or More Races	3.16	2.73	2.35	2.76	2.78	2.61
Unknown	1.63	2.21	2.49	2.12	2.47	2.39
White	2.06	1.99	1.99	2.27	2.48	2.12
<b>Total</b>	<b>2.76</b>	<b>2.52</b>	<b>2.29</b>	<b>3.01</b>	<b>3.05</b>	<b>2.68</b>

- Youth of color continue to be over-represented in the juvenile justice system.

Race	Distinct Juveniles with Complaints Received: Non-RtA			Distinct Juveniles with Complaints Received: RtA		
	Year 1	Year 2	Year 3	Year 1	Year 2	Year 3
American Indian or Alaska Native	39	54	85	44	44	79
Asian	19	18	37	12	19	21
Black	2,558	2,590	4,111	1,989	2,044	2,908
Hispanic/Latino	510	470	821	436	418	548
Native Hawaiian or Other Pacific Islander	4	2	7	3	4	5
Two or More Races	172	157	217	103	77	128
Unknown	32	47	80	42	36	38
White	1,809	1,947	2,748	1,474	1,445	1,582
<b>Total</b>	<b>5,143</b>	<b>5,285</b>	<b>8,106</b>	<b>4,103</b>	<b>4,087</b>	<b>5,309</b>

There have been 76 cases reverse waived since Dec. 1, 2019 (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).

- Black/African American youth compose the majority of RtA complaints and the majority of the 76 *reverse waived* juveniles.

#### **Reverse Waivers (Dec. 1, 2019-Nov. 20, 2022)**

Race/Ethnicity	Females	Males
American Indian or Alaska Native	0	1
Black or African-American	7	37
Hispanic/Latino	1	9
Two or More Races	0	2
White	4	15

- 84% of reverse waivers are for males and 16% for females.
- 49% of reverse waivers are for Black or African American males.

#### **E. Detention**

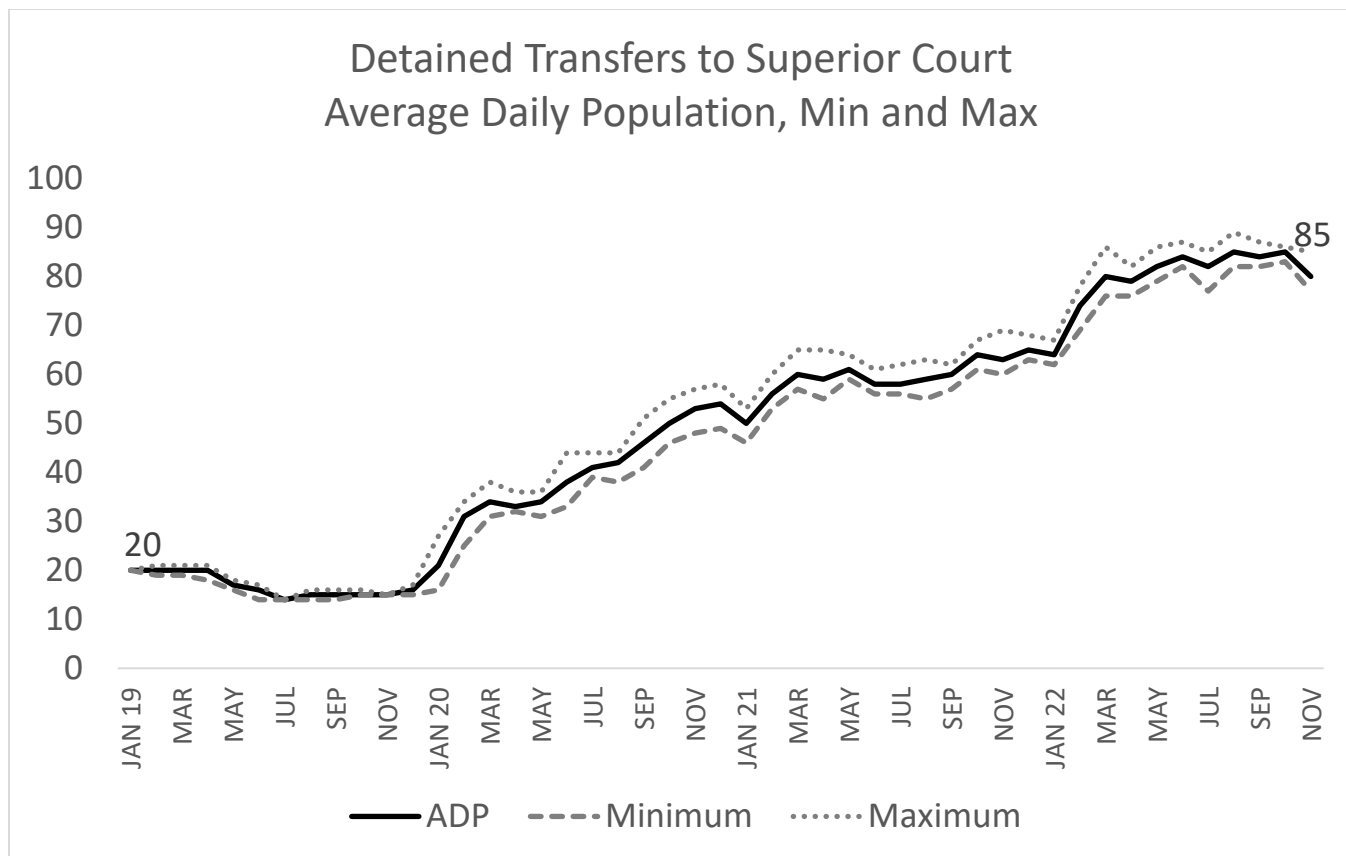
Juvenile Justice projected a 158% increase in detention bed needs (from 190 to 490) based on Sentencing and Policy Advisory Commission staff data. Data from Dec 1, 2021 to Nov. 20, 2022 (12 months), reflects that 101% of juveniles projected to be detained, were indeed detained (727 juveniles of the projected 723). A larger percent of the Raise the Age population was detained than projected (10.8% 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 Mecklenburg Juvenile Detention Center opened in December 2019 and closed on Dec. 1, 2022.

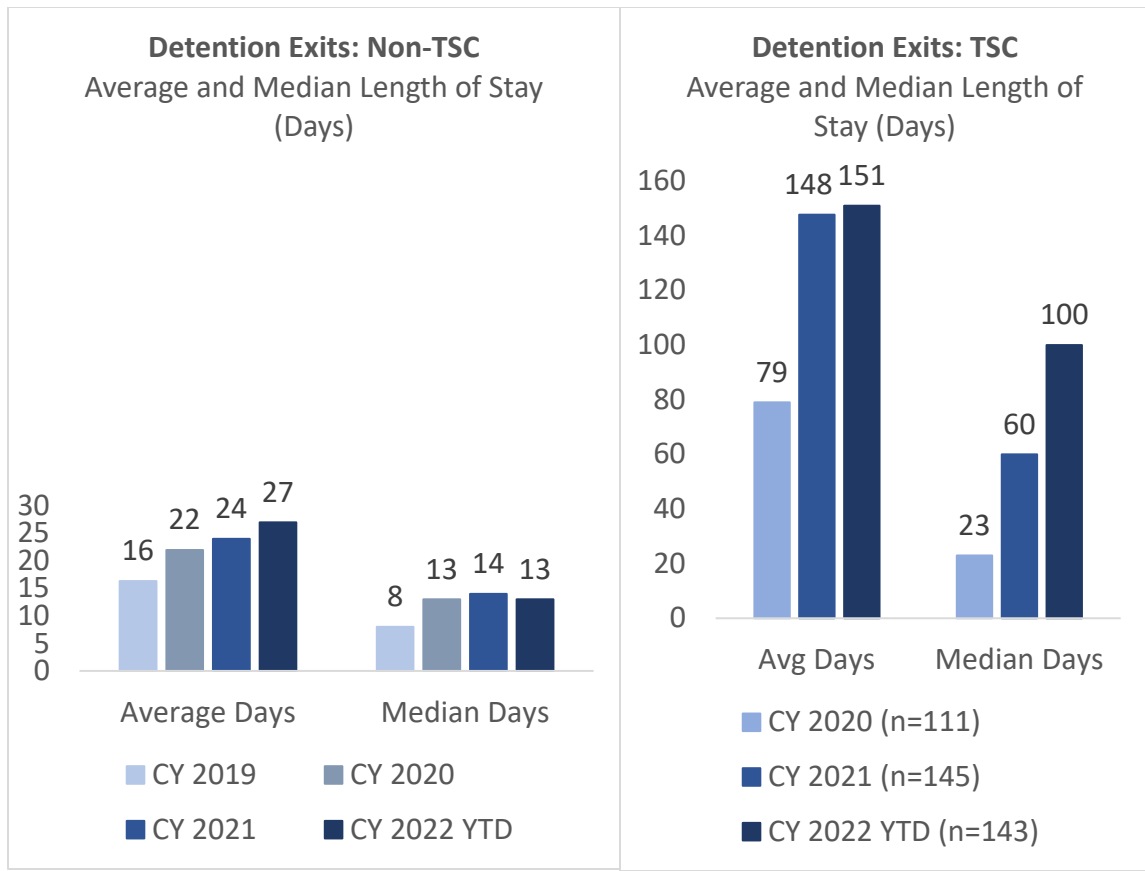
The federal Juvenile Justice and Delinquency Prevention Act (JJDP A) renewal included a requirement that all persons under the age of 18 be detained in juvenile detention instead of jail. H593/S.L. 2020-83 took further steps to implement that requirement, effective Aug. 1, 2020.

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. Detention admissions for youth under age 16 have increased since last year, as have detention admissions for “Raise the Age” youth. 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. Youth under age 18 originating in adult court or serving a detention stay following adult court sentence (H593 youth) average 10 admissions per month or an average daily population of 13 youth. Between Aug. 1, 2020 and Nov. 20, 2022, there were 267 criminal court youth admissions. Three-quarters of these admissions were for pre-trial detainment and 10% were for criminal probation violation/probation modification (other reasons represented 4%).

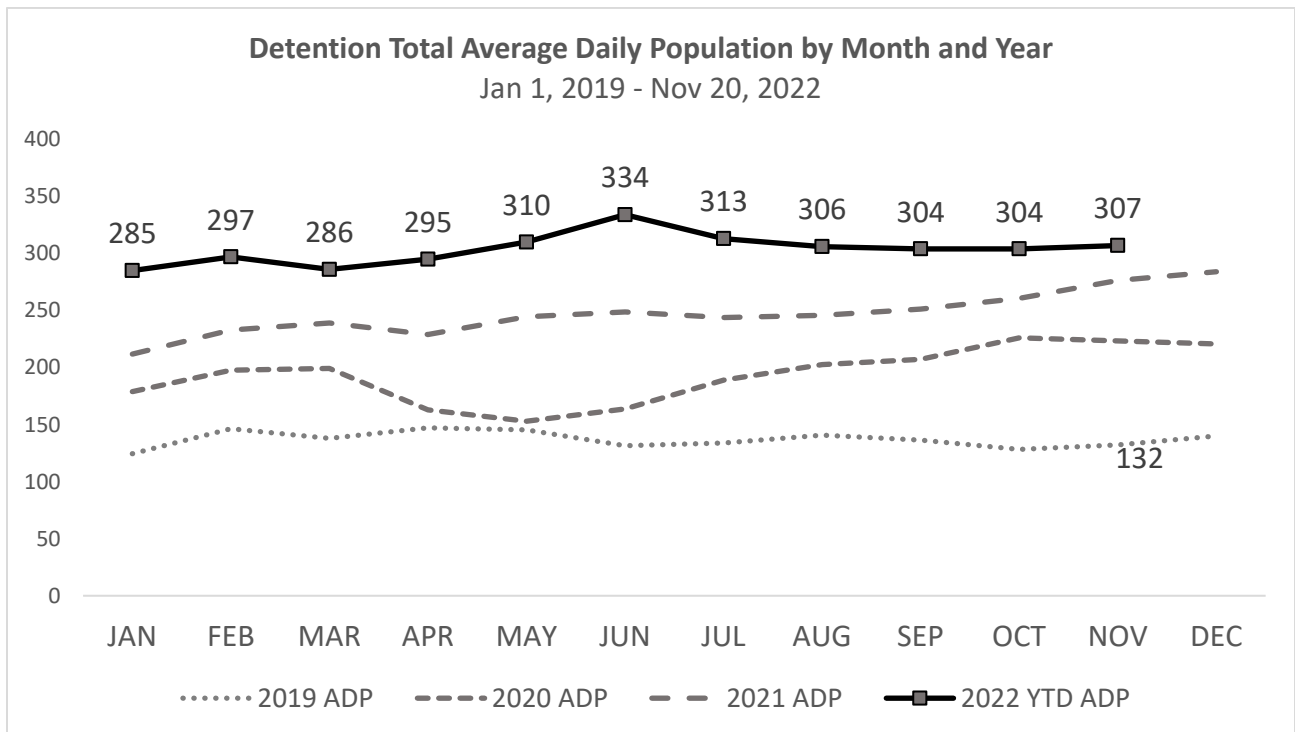
Localized staffing shortages and jail decisions regarding the pandemic have limited the number of juvenile beds available.



For transfers to superior court who exited between 1/1/22-11/20/22, the average length of stay in juvenile detention was 151 days, an increase from an average of 79 days in 2020. This compares to juvenile jurisdiction youth's average length of stay, which is 27 days.



The average daily population in juvenile detention increased from 132 in November 2019 to 307 in November 2022, a 133% increase.

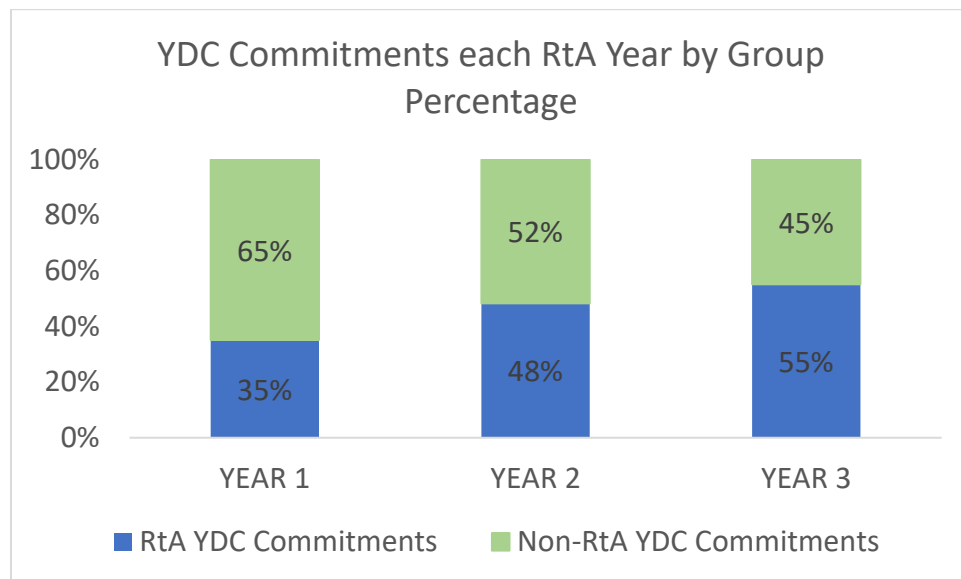


## F. Youth Development Centers

The Division of Juvenile Justice and Delinquency Prevention currently operates four youth development centers statewide, with a new fifth campus in the construction phase (Rockingham Youth Development Center). YDCs provide mentoring, education and therapeutic treatment to prepare youth for a fresh start when they re-enter their communities.

Youth who are adjudicated for offenses that occurred prior to their 18th birthday may be committed to JJDP and assigned to a youth development center, which is the most restrictive, intensive dispositional option available to North Carolina's juvenile courts. A commitment is typically for an indefinite period of at least six months. The average length of stay at a youth development center is one year (12 months).

The percentage of YDC youth who were age 16 or 17 at time of delinquent offense is increasing each year, though the number of commitments remains stable.



The youth development center population between Year 1 and Year 2 of RtA implementation has shown a 73% increase in the number of 16/17-year-olds on date of offense, while the younger committed population remained constant. Between years 2 and 3, there was a 9% reduction in RtA youth and a 31% reduction in younger youth.

	RtA YDC Commitments	Non-RtA YDC Commitments	Total
YEAR 1	51	94	145
YEAR 2	88	94	182
YEAR 3	80	65	145
Total	219	253	472

### **XIII. School Justice Partnerships**

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

In 2017, the NC Commission on the Administration of Law and Justice (NCCALJ) recommended raising the juvenile jurisdiction age as a top priority. To ameliorate the increased juvenile court caseload that was anticipated with including 16- and 17-year-olds under the umbrella of the juvenile court, NCCALJ also recommended the statewide implementation of school justice partnerships (SJPs). Following that recommendation and as part of the 2017 North Carolina Raise the Age law (S.L. 2017-57 § 16D.4.(aa)), the NCAOC Director's responsibilities in G.S. 7A-343 were expanded. This expansion included prescribing policies and procedures for chief district court judges to establish SJPs with local law enforcement agencies, local boards of education, and local school administrative units with the goal of reducing in-school arrests, out-of-school suspensions, and expulsions. Since 2017, SJPs have been established in more than 50 counties.

The NCAOC policy prescribed by the Director states that the chief district court judge will convene the SJP community stakeholders, which includes but is not limited to school superintendents, school personnel, juvenile justice staff, mental health professionals, the district attorney, and law enforcement. The stakeholders work to develop and implement effective strategies to address minor school-based misconduct through a graduated response model. This model uses in-school and community-based resources to reduce the number of minor school-based offenses that are referred to the court or for which students are suspended or expelled. 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.

While the NCAOC policy states the chief district court judge will convene the group of SJP stakeholders, the policy recognizes SJPs are "multi-agency collaboratives;" therefore, the contribution of all stakeholders is valued, and all have an equal voice in the partnership. In 2019, to assist districts in initiating SJPs, the NCAOC produced a toolkit that included a step-by-step implementation guide, an adaptable sample memorandum of understanding, a sample graduated response model, and evidence-based strategies. Efforts are currently underway to update the toolkit to include recent data and lessons learned in the five years since the Raise the Age legislation was enacted.

The strategies developed by the local SJPs are designed to 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 that push students out of school and into court.

In 2021, North Carolina Chief Justice Paul Newby convened the Task Force on ACEs (Adverse Childhood Experiences) Informed Courts. NCAOC Director Judge Andrew Heath and Co-Chair of the Task Force stated, “Through the Chief Justice’s Task Force, the court system is considering strategies to address adverse childhood experiences by identifying programs that intervene in the lives of juvenile offenders to put them on a path away from the courthouse and into a successful adult life. School Justice Partnerships share that common goal and are supported by the Task Force.”

The North Carolina Department of Public Safety (NCDPS) and NCAOC have recently coordinated efforts to promote SJPs and encourage statewide implementation. Recent presentations by NCAOC staff at several local Juvenile Crime Prevention Council meetings and to the NC School Board Association have raised awareness about the goals, benefits, and outcomes of SJPs. These presentations have included highlighting the NCDPS SJP data dashboard that was launched last year. The dashboard data serves as a resource for SJPs in each county/school district to easily retrieve the number of school-based offenses, charge type, related decisions, and demographics. Efforts to establish SJPs in all 100 counties will continue with the support of leadership in both the Executive and Judicial Branch.

“Forging School Justice Partnerships help keep kids in the classroom and out of the courtroom by addressing minor school-based misconduct where it happens and using positive discipline strategies that are often more effective than exclusionary discipline practices. The partnerships that districts form between law enforcement, the school system, and the courts can foster collaboration in other areas that also affect youth,” said NCAOC Director Judge Andrew Heath.

As of October 2022, SJPs were active in 52 counties with several more school districts and 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. The local stakeholders participating in a particular county’s SJP may be identified by reviewing that county’s signed SJP Memorandum of Understanding (MOU) at [www.sjp.nccourts.gov](http://www.sjp.nccourts.gov). Counties and/or districts interested in creating a SJP may contact the NCAOC at 919-890-2468 or at [sjp@nccourts.org](mailto:sjp@nccourts.org).

#### **XIV. 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](http://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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<sup>i</sup> Puzzanchera, Chaz, “Patterns of Juvenile Court Referrals of Youth Born in 2000” (ncjj.org), National Center for Juvenile Justice, CJA Data and Analysis Committee: November 28, 2022.