



# **Policy Option for the Study Committee on the Age of Juvenile Offenders**

Joel Rosch PhD  
Senior Research Scholar  
Center For Child and Family Policy  
Duke University  
jbrrosch@duke.edu  
919-613-9291

*Bridging the gap between research and public policy*

## Your Charge

The LRC Study Committee on the Age of Juvenile Offenders shall study North Carolina's current juvenile justice system and identify reforms that may reduce long-term recidivism. Specifically

- What juvenile justice reforms are needed to implement the proposal in Senate Bill 434, Edition 3, for raising the age for misdemeanors;
- Evidence-based models for reducing juvenile recidivism, such as the Juvenile Detention Alternatives Initiative of the Annie E. Casey Foundation, including models to reduce inappropriate or unnecessary use of secured detention;
- How best to reserve secure facilities for the most troubled youth. This shall include assessing the recidivism rates and costs and benefits of alternatives to placement programs in the juvenile justice system, such as electronic monitoring;
- Best practices among community-based programs, such as the Juvenile Crime Prevention Council System, that utilize evidence-based programs to reduce youth recidivism;
- How to prepare local prisons for implementation of Department of Justice regulations related to the Prison Rape Elimination Act of 2003, P.L. 108-79, including ensuring that all youth under the age of 18 are held separately from adults.

# I want to address policy issues in four of these areas

1. Policies regarding raising the age for misdemeanors;
2. Policies necessary to enable our Juvenile Crime Prevention Council System to establish and support and evidence based models for reducing juvenile recidivism;
3. Policies to reduce inappropriate or unnecessary use of secured detention in order to reserve secure facilities for the most troubled youth.
4. Policies that can help prepare local prisons for implementation of Department of Justice regulations related to the Prison Rape Elimination Act of 2003, P.L. 108-79, including ensuring that all youth under the age of 18 are held separately from adults.

# 1. Policies regarding raising the age for misdemeanors

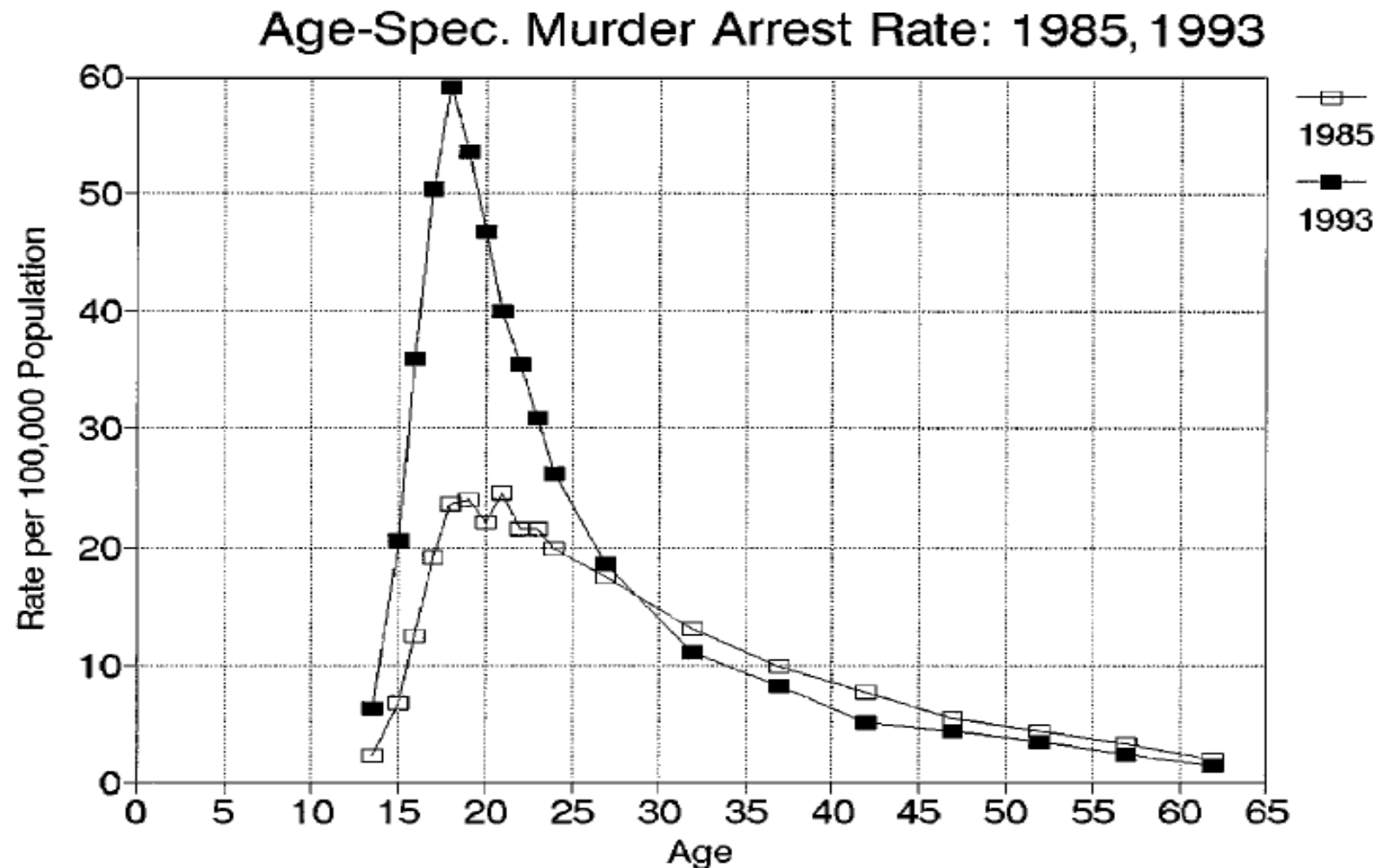
What know about age and crime and its implications for  
public policy

What we know about misdemeanors in the adult and  
juvenile justice systems

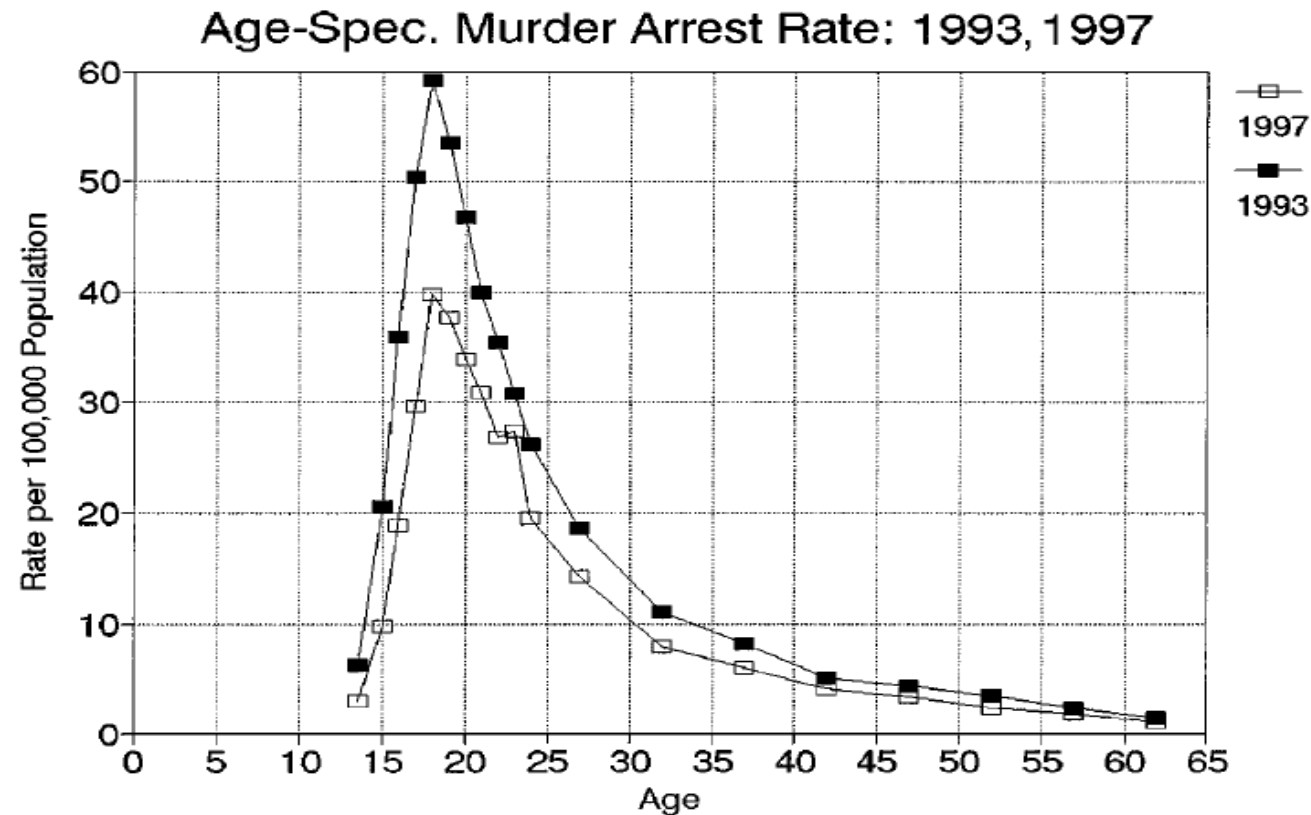
Some Lessons from Connecticut

Programs that really do lower future crime and what policies  
we need to enable them to work

# What changes when crime goes up and crime goes down



(b)



**Figure 7** (a) Age-specific arrest rate for homicide, 1985 and 1993, the peak year. (b) Age-specific arrest rate for homicide, 1993 and 1997. (Sources: Uniform Crime Reports data and census population data.)

# Policy implications

There are a number of implications

1. Lowering the rate at which young people commit crime can have a disproportionate impact on total crime – it is not easy and not always cheap, but knowing the costs of crime, there are big pay offs if we succeed.
2. How we treat young people the first time they hit the juvenile system matters – lowering future recidivism of young offenders has a disproportionate impact on future crime.
3. Reducing crime among young adults is our greatest opportunity to reduce victimization and its associated costs

# What Makes North Carolina Different

**All 50 states** treat some 16 and 17 year old felons as adults.

Almost all states allow, and many require, that youth as young as 14 or 15 who commit serious offenses, defined differently in different states, be tried as adults.

**What makes NC different is not how we treat our most serious offenders, but how we treat or least serious, often first time offenders.**



# Implications

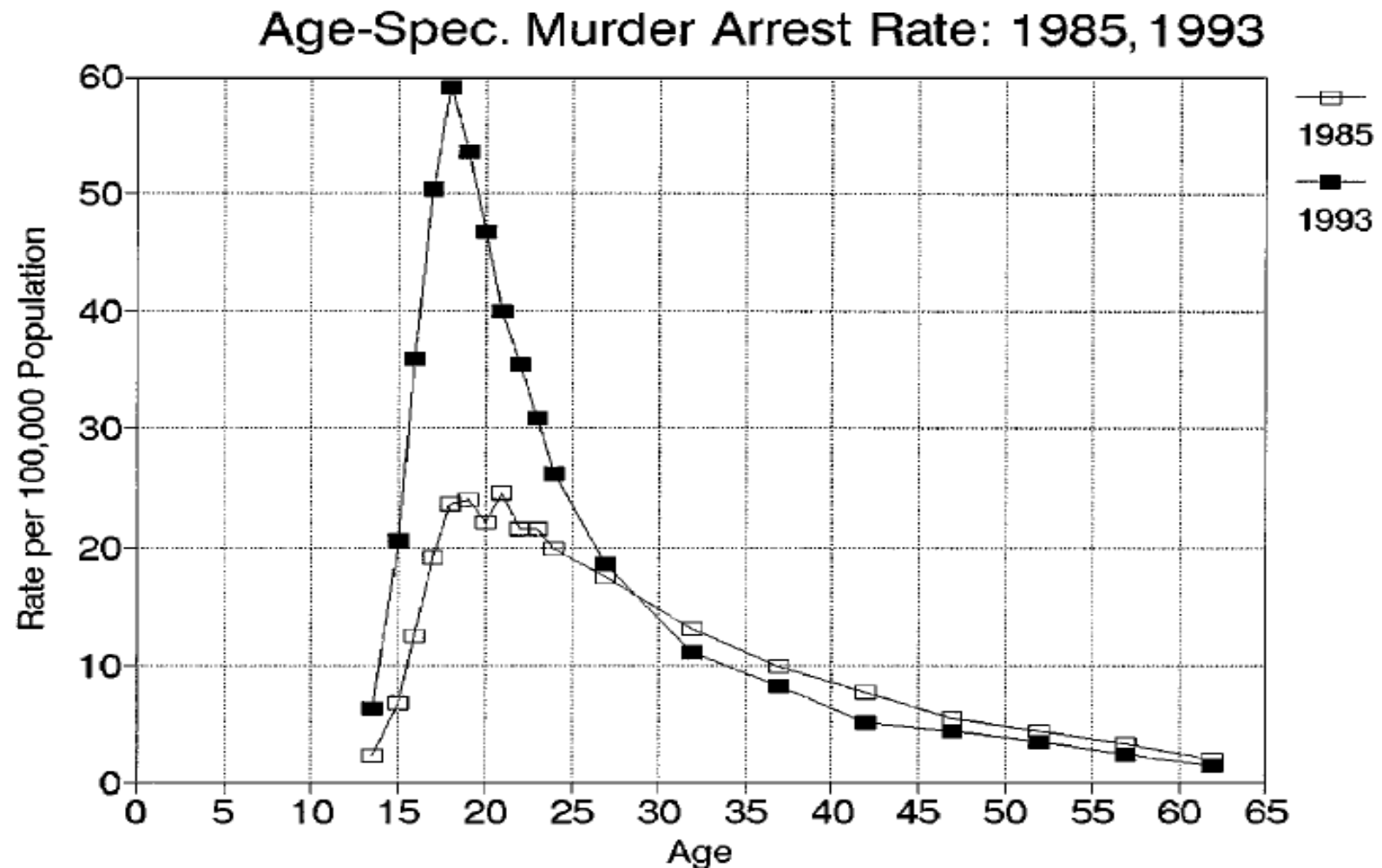
If you are a 16 or 17 (or a 13,14, or 15) year old who commits a serious violent crime in North Carolina you are treated no more harshly than in any other state.

But for **16 or 17 year old who commits a misdemeanor** or non violent felony this is the worst state to live in.

With an adult criminal record it becomes harder for our 16 and 17 year olds who make a mistake to get a job, join the military, to any of the things to get back on the straight and narrow.

16 and 17 years who are processed in adult systems have higher recidivism rates and do not appear to be deterred by the prospect of an adult charge – **ironically some prefer it**

# Higher recidivism has implications



# Three points about the early identification of serious violent felons

1. The vast majority of serious violent felons are early starters – often before age 14.

*Everything we know about criminal histories and careers paths of repeat offenders is that someone with no contact with the system before age 16 is the least likely candidate*

2. Our juvenile justice system has the capacity to screen for, and intervene with, the highest risk young offenders. The nature of the juvenile system makes it more likely to identify and, where possible, treat these youth than the adult system which is built around different principles
3. Even small changes can have big impacts on crime

# Some Lessons from Connecticut

1. A much larger number of cases being diverted than expected. The juvenile system does do this much more effectively, so most costs are lower than expected – few complaints so far.
2. It is taking much more police time than expected because it is harder to contact and involve parents than they expected. These kids are more mobile than younger offenders, so police costs are up.
3. Much lower recidivism rates among youth processed in the juvenile systems. They expected reductions in recidivism, but so far it is much greater than expected. This should not be surprising.

# Additional Policy issues for raising the age for misdemeanors.

1. Expunction and record keeping systems will need to be improved. These youth will be more mobile. You need to make it easier to check records in surrounding counties. The last thing we want to do is to encourage these kids to game the system by being first offenders a number of times
2. Re-look at parental roles in juvenile case processing – experience from Connecticut – this has been more difficult for police and court than expected

## Resources - a large number of youthful offenders are misdemeanants (FY 2007/08)

<b>Adult System: Offense Class of Conviction</b>	<b>Age at Offense</b>	
	<b>16 to less than 18 years</b>	
	<b>#</b>	<b>%</b>
<b>Felonies</b>		
Class A-E Subtotal	311	2.8
Class F-I Subtotal	1,512	13.5
<b>Felony Subtotal</b>	<b>1,823</b>	<b>16.3</b>
<b>Misdemeanors</b>		
<b>Misdemeanor Subtotal</b>	<b>9,349</b>	<b>83.7</b>
<b>TOTAL</b>	<b>11,172</b>	<b>100.0</b>

## Large increase in case load (2007/2008)

In 2007/2008 the total number of juvenile complaints filed was 25,154 representing 19,110 juveniles

The 9,349 convicted 16 and 17 year olds youthful offenders with misdemeanors convictions represents a major increase in the number of youth who will be processed by the juvenile system

The juvenile system will need more resources, but these will be resources mostly at intake

There will be no real reduction of demand in the adult system

# Investing more up front

Based on past practice, in both the adult and juvenile systems, about 30% of the cases are convicted of any charge, indicating about 30,000 charges. With misdemeanor convictions, few will go to detention and only those with a number of priors will receive intermediate or active time.

Most will be diverted and/or placed on juvenile probation – where there are lower case loads and more supervision than in the adult system.

All will receive a validated risk assessments and a larger percentage will be referred for programming. This is probably good because this assessment and programming has been successful at both reducing crime and reducing the use of active time. Spending more up front in the juvenile system makes sense



# Adult Misdemeanor Punishment Chart

	PRIOR CONVICTION LEVEL		
Class	I	II	III
	No Prior Convictions	One to Four Prior Convictions	Five or More Prior Convictions
<b>A1</b>	<b>C/I/A</b> <b>1 - 60 days</b>	<b>C/I/A</b> <b>1 - 75 days</b>	<b>C/I/A</b> <b>1 - 150 days</b>
<b>1</b>	<b>C</b> <b>1 - 45 days</b>	<b>C/I/A</b> <b>1 - 45 days</b>	<b>C/I/A</b> <b>1 - 120 days</b>
<b>2</b>	<b>C</b> <b>1-30</b>	<b>C/I</b> <b>1-4 5 days</b>	<b>c/I/A</b> <b>1-60 days</b>
<b>3</b>	<b>C</b> <b>1-10 days</b>	<b>C/I</b> <b>1-15</b>	<b>C/I/A</b> <b>1-20</b>

# North Carolina Juvenile Offender Disposition Matrix

Risk Level (using crime and risk instrument)

Offense	Low	Medium	High
Violent	Level 2 or 3	Level 3	Level 3
Serious	Level 1 or 2	Level 2	Level 2 or 3
Minor	Level 1	Level 1 or 2	Level 2

Level 1 Community

Level 2 Intermediate

Level 3 Commitment to YDC – ( in the adult system we call this A for active time)



# Age issues

Research findings indicate that 16-17 year olds processed in adult court have higher recidivism rates and an increased rate of violence.

Recidivism and other social costs are linked to permanent adult record of 16-17 year olds limiting their education, employment, military service, and other non-criminal opportunities.

There are more system responses for all cases – whether closed, diverted, dismissed or adjudicated in the juvenile system than in the adult system for minor crimes.

Expunction of juvenile records for misdemeanor and non-violent felony adjudications allows for more non-criminal opportunities.

## 2. Policies necessary to establish and support and evidence based models for reducing juvenile recidivism;

**We have a good system but.....**

We need to be more restrictive in what we use public funds to support – some program work better than others

States with longer funding cycles which allows more careful monitoring get better results

Programs work best when they are integrated into the culture of local communities

We need better coordination between juvenile justice, mental health, social services and our schools which are all serving basically the same children – this is easier said than done and need constant monitoring and needs real leadership

**We have a good system that has reduced the use of secure detention while reducing crime, we can continue to improve it.**

Policy is about patterns – not anecdotes – and there are individual failures – which we should try to learn from, **but by any measure, over the last decade the patterns are clear - our system reforms have worked and worked well**

Since reform – lead by Judge Morey – we have almost 1,000 fewer youth in secure facilities and much less juvenile crime

Juvenile crime is down – and while our population has grown, the number of young people in our youth development centers has dropped by close to 1,000

### **3. Policies to reduce the unnecessary use of secured detention in order to reserve secure facilities for the most troubled youth.**

1. North Carolina has been more effective than any other state at using community based sanctions to reduce the use of secured detention in order to reserve secure facilities for the most troubled youth. We should expand and strengthen that system
2. Reverse waivers would allow judges to refer some young offenders back to juvenile court.

## **4. Preparing for regulations related to the Prison Rape Elimination Act and ensuring that all youth under the age of 18 are held separately from adults.**

The state should actively consider some form of blended sentences for young offenders in the adult system

Thirty four states use blended sentences to address these issues.

Blended sentences are recommended by the model penal code.

Blended sentences will reduce duplication between the adult and the juvenile systems, and save money

These youth will live among us - look at their sentences - blended sentences will reduce recidivism

## Average maximum sentence (in months) given juveniles and adults sentenced by adult courts

Offense	Juveniles	Adults	Offense	Juveniles	Adults
All felonies	111	69	Violent offenses	139	115
Murder	287	258	Rape	200	149
Robbery	139	112	Aggravated assault	75	81
Other violent offenses	130	70	Property offenses	50	56
Drug offenses	80	60	Possession	66	48
Trafficking	83	66	Weapons offenses	66	46
Other offenses	61	40			

Source: Office of Juvenile Justice and Delinquency Prevention (1999). *Juvenile Offenders and Victims--1999 National Report*. Washington, DC: US Department of Justice, p. 178.

**You could ask for comparable North Carolina figures – but they'd certainly be the same**

**Our legal community has resisted the idea of blended sentences, but 34 states have adopted them, and the ABA appears to recommend them.**



# Policy issues for your 5 part charge

## Evidence-based models for reducing juvenile recidivism.

1. North Carolina is in pretty good shape. The issue in North Carolina, and elsewhere is implementation. Are we getting the level of services we are paying for? The decentralized JCPC system gives DJJDP a leg up on the mental health system which until recently has tried, and failed, to manage these programs from Raleigh.
2. The main policy issues have to do with better cooperation with mental health, schools, education, social services. No matter what they tell you, the programs are largely the same across systems. The General Assembly made some progress last session on this issue passing new legislation on information sharing. ***We can do this.***

# Policy issues for your 5 part charge

**How best to reserve secure facilities for the most troubled youth. This shall include assessing the recidivism rates and costs and benefits of alternatives to placement programs in the juvenile justice system, such as electronic monitoring;**

1. The juvenile system already uses risk as well as prior record when making placements, expanding this to 16 and 17 year olds should help the allocation of secure facilities.
2. There is a broad consensus that recidivism rates decline when comparable youth are served in juvenile as opposed to adult systems. ( see John Locke and duke materials)

# Policy issues for your 5 part charge

**Best practices among community-based programs, such as the Juvenile Crime Prevention Council System, that utilize evidence-based programs to reduce youth recidivism**

1. The issues are the same as your second charge. While the design of our Juvenile Crime Prevention Council System is a national model, it appears to work better in some communities than in others.
2. The Juvenile Crime Prevention Council System can be strengthened by policies that encourage further cooperation with other systems serving the same youth and by continuing to improve monitoring and evaluation

# Policy options for your 5 part charge

**How to prepare local prisons for implementation of Department of Justice regulations related to the Prison Rape Elimination Act of 2003, P.L. 108-79, including ensuring that all youth under the age of 18 are held separately from adults.**

1. The more you raise the age the easier this becomes because it places fewer youth with adults.
2. So far thirty-four states have adopted some kind of blended sentencing options where younger offenders who are classified as adults begin their sentences in juvenile facilities. This also reduces duplicate services.
3. Shift the burden of transporting youth from sheriffs to

DJJDP

# How much do we care?

How far would you go towards making other agencies do things impact on juvenile crime

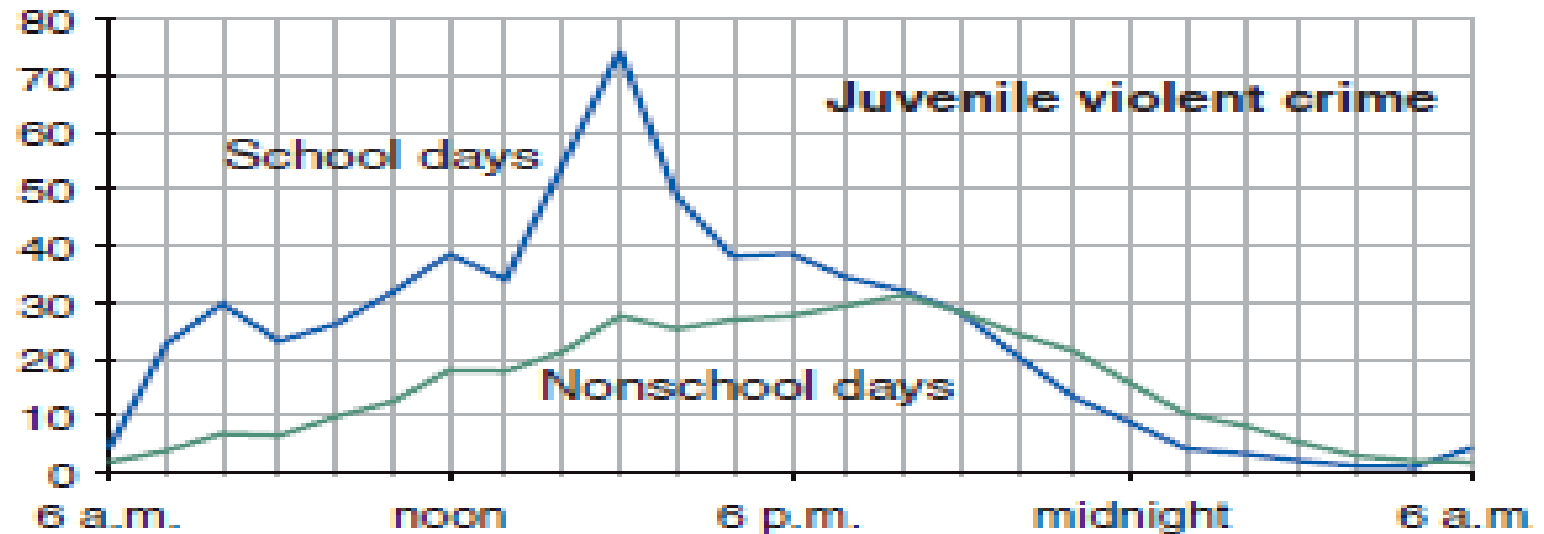
Just one illustration – this is violent crime – much greater if we looked at non-violent crime – and misdemeanors

There are many reasons to believe that changing school hours would probably have a large impact on juvenile crime.

Would we ever do that?

it is much cheaper than relying on the justice system

Offenders (per 1,000 juvenile violent crime offenders)



Offenders (per 1,000 adult violent crime offenders)

