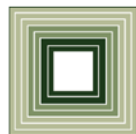


# “Raise the Age” Funding Considerations

**Fiscal Research Division**

**February 28, 2019**



**FISCAL RESEARCH DIVISION**

A Staff Agency of the North Carolina General Assembly

# Outline

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- Raise the Age: Policy History
- Impact of Raise the Age; Assumptions
- Impact Considerations for Agencies
  - Division of Juvenile Justice
  - Indigent Defense Services
  - Administrative Office of the Courts
- Summary: Questions for the NCGA to Consider

# Purpose of this Presentation

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- Familiarize Committee with policy history
- Bring issues to Committee's attention
- Explain portions of Juvenile Jurisdiction Advisory Committee's (JJAC) report, which includes recommendations for implementation and funding



# Raise the Age: Policy History

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- In North Carolina, 16 is age of adult court jurisdiction
- 2017 Session: House passed H.B.280
  - Changed age of juvenile jurisdiction to include 16 and 17 for *Class F-I felonies and all misdemeanors*
  - Fiscal Research prepared Fiscal Note for H.B.280
    - Estimated final cost of \$44.3m at full implementation
- 2017 Session: Senate introduced S.B.549
  - Changed age of juvenile jurisdiction only for *misdemeanors*

# Raise the Age: Policy History

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- Section 16D.4 of the 2017 budget bill (S.257, S.L. 2017-57) included compromise language between H.B.280 and S.B.549; effective date Dec. 1, 2019
  - Changed age of jurisdiction for Class H and I felonies and all misdemeanors *excluding Chapter 20 motor vehicle violations*
  - Required DJJ to evaluate gang activity
  - Created School-Justice Partnerships between courts, juvenile court counselors, and schools/SROs
  - Created JJAC to provide implementation and funding recommendations

# Impact of RTA

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- Increases population under juvenile jurisdiction by 64%
- Savings to adult system will be negligible; juvenile cases are more expensive than adult cases
  - Court counselor process: time-consuming, involves parents, community
  - Expanded court time
  - Detention and YDC beds more expensive than jail and prison



# Agencies Impacted by RTA

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- Division of Juvenile Justice
  - Greater demand for court counselor services
  - More juvenile detention beds needed
  - Greater demand for Level I and Level II programs
    - Includes JCPCs, Community-based Programs, and Residential Programs
  - More YDC beds needed
- Indigent Defense Services
  - Additional support for juvenile defenders
- Administrative Office of the Courts
  - Additional court time = more staffing



# Assumptions about RTA Implementation

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- New juveniles entering the system will increase over time
- Existing DJJ programs and policies will be sufficient for the needs of the new population
- Juvenile adjudications are policy-driven and flexible compared to adult prison sentencing
- Juvenile delinquent population's relatively small size makes long-term projections unreliable



# Division of Juvenile Justice

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1. Court Services
2. Detention
3. Community Programs (Level I and Level II)
4. Youth Development Centers
5. Miscellaneous Support and Administration

# DJJ: Court Services

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- Largest program, most FTE in DJJ
  - Juvenile Court Counselors, Supervisors, Chiefs, support staff
  - Primary point of contact for juveniles in system
- FY 2018-19 budget: +61 FTE, \$1.8m
  - Start date: May 8, 2019
  - Annualized cost of \$4.6m



# DJJ: Court Services

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- JJAC Report: 298 FTE total (\$21m)
  - Staggered hiring from FY 2018-19 through FY 2020-21
- FRD 2017 Fiscal Note assumed slightly lower staffing levels: 283 FTE (\$20m)
  - Assumed higher ratio of supervisors to JCCs (9:1 vs. 8:1)
  - Similar staggered hiring plan
- JCC office space is provided by county governments
  - Some counties have expressed concerns re: office space

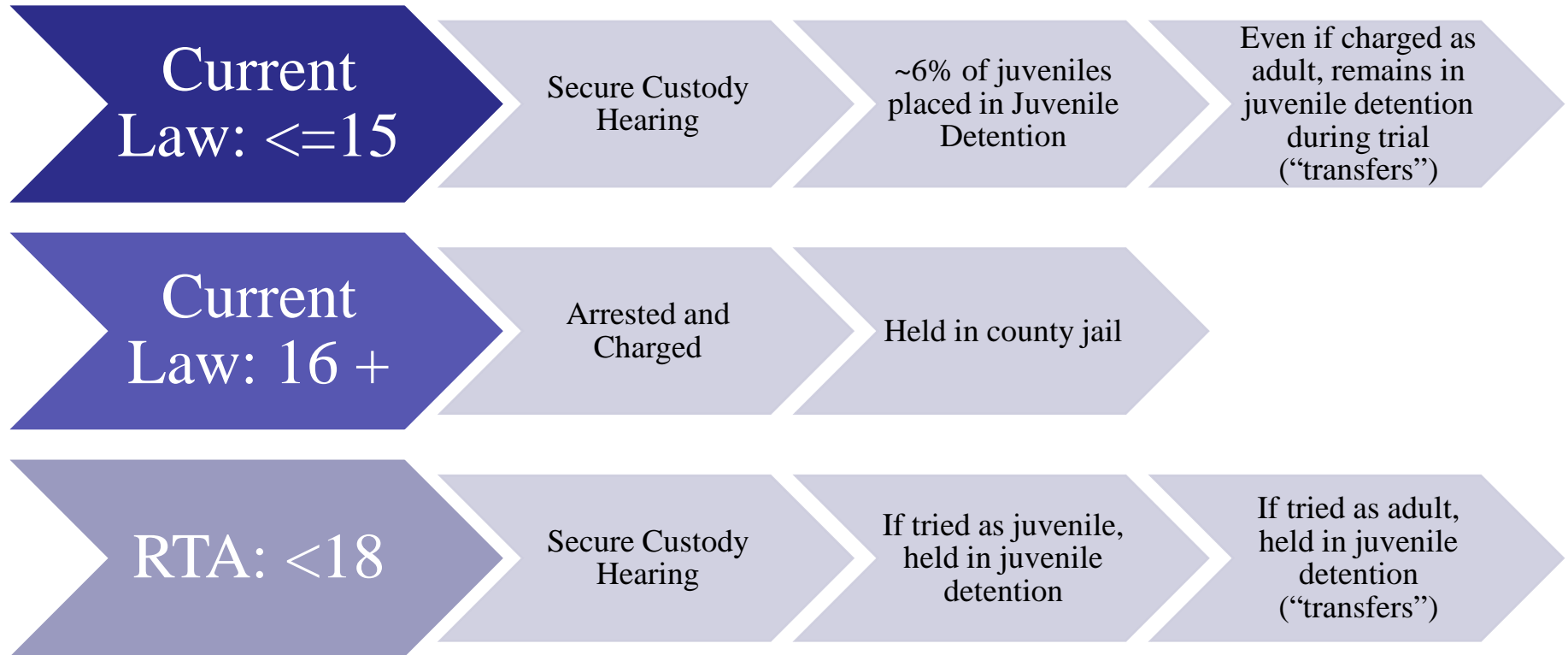
# DJJ: Juvenile Detention Centers

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- Federal law (Prison Rape Elimination Act, PREA) states that there must be sight and sound barriers between minors and adults being held in custody
- Currently: Minors (16-17yo) are held in county jail
  - Many county jails are not PREA-compliant
  - New federal law requires all minors to be housed with other minors by December 21, 2021



# DJJ Detention Process



# DJJ: Detention Process

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- Under RTA, all minors initially processed as juveniles
  - Once charged, if offense is greater than Class G felony, juvenile transferred to superior court
  - Because the minor entered the system as a juvenile, the minor will continue to be detained as a juvenile throughout their adult trial
  - Higher-level felony cases require longer detention time
- Will have large impact on funding requirements for juvenile detention

# DJJ: Detention Bed Needs

**Table 1**  
**Detention Population Projections for 16- and 17-Year-Olds**  
**Held at Complaint and Held for Transfer until Disposition and/or 18-Years<sup>5</sup>**

Fiscal Year End	Detention Population as of June 30				
	Held at Complaint Class H-I Felonies, Class A1-3 Misdemeanors	Held for Transfer Class A-G Felonies until:		Combined Projections Juveniles Held until:	
		Disposition	Age 18	Disposition	Age 18
2019	n/a	n/a	n/a	n/a	n/a
2020	35	129	86	164	121
2021	60	226	151	286	211
2022	61	230	153	291	214
2023	62	235	155	297	217

- Sentencing Policy and Advisory Commission (SPAC) provided additional expertise in projecting likely detention bed needs.
  - Does NOT account for existing detention center bed capacity (most recent year averaged 31 available beds)

*Table source: SPAC*

# DJJ: Detention Costs

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- Where will additional beds come from?
  - Re-opening/renovating DJJ facilities (\$7.5m)
  - “Flex” beds at Rockingham YDC
  - County facilities
- Bed demand will determine costs
  - \$244/day per juvenile, split 50-50 with counties
  - JJAC Report: \$13.3m/year for State and \$13.3m for counties
  - Other scenarios produce lower cost estimates



# DJJ: Community Programs

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- JCPC Funding

- JCPCs serve both Level I/diversion cases and “at risk” youth
- Statute requires prioritization for adjudicated cases
- ~50% of JCPC participants are “at-risk,” not adjudicated
- JCPC programs will need expanded capacity for additional Level I and diversion cases



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# DJJ: Level I and Level II (Community Programs)

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- Level II Contracts
  - Community-based programs and residential programs will need expanded capacity
  - Because Level II services are a continuum of potential services, difficult to identify which services “must” be funded under RTA
  - JJAC Report assumes general expansion of all existing programs: \$5.6m for residential programs, \$2.2m for community-based, and \$3.2m for crisis and assessment centers

# DJJ: Youth Development Centers

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- NCGA has funded construction of new 60-bed YDC in Rockingham County
  - FY 2017-18 Budget: \$13.2m
  - FY 2018-19 Budget: \$7.1m
- Process of identifying site, buying land, etc. has taken longer than expected. New facility currently planned for Feb. 2022 opening
- Contingency plan: re-open portions of CA Dillon facility in Butner

# DJJ: Youth Development Centers

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- Impact of delay on State budget:
  - YDC operating costs at full capacity (previously estimated by DJJ at \$7.4m) not needed until FY 2021-22
  - Unanticipated funding need in meantime to staff CA Dillon facility
- JJAC Report requests for Dillon:
  - FY 2019-20: \$1.5m (R), \$322k (NR), 38 FTE
  - FY 2020-21: \$2.3m (R) (annualized 38 FTE)

# DJJ: Misc. Support and Administration

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- JJAC Report requests:
  - Transportation positions: 15 FTE (\$1.2m), 29 vans (\$1m)
  - JCPC and Community Programs administration: 11 FTE (~\$1m)
  - Expanded educational/vocational programming:  
4 FTE (\$500k)
  - Training, Data, IT, HR: 17 FTE (\$2.1m)



# Judicial Branch: IDS and AOC

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# Indigent Defense Services

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- Minors/juveniles are presumed indigent; RTA may not require additional PAC attorneys vs. current system
- Longer average court time for juvenile cases may result in increased pressures on PAC fund
- JJAC Report: 1 FTE (\$122k) for Resource Defender



# AOC: Judges, ADAs, Assistants, Clerks

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- AOC workload formula estimates court staffing needs
  - JJAC Report: 5 district court judges, 8 Assistant District Attorneys (ADAs), 7 DA Legal Assistants, 6 Deputy Clerks (\$2.8m)
- Resource Prosecutor: 1 FTE (\$125k)
- JJAC report also cites “existing deficiencies,” also recommends:
  - 10 district court judges, 45 ADAs, 60.5 Legal Assistants, 52 Deputy/Assistant Clerks (\$14.4m)

# In Summary: Funding Considerations

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- Division of Juvenile Justice
  - Court Counselors: How many additional staff?
  - Detention: How many additional beds will be needed?
  - JCPCs and Level II Disposition Options: How much expanded capacity? Which programs?
  - Youth Development Centers: Contingency plan?
  - Misc. Support and Administration: How much to provide?
- IDS
  - Juvenile Resource Defender?
- AOC
  - Judges, ADAs, Assistants, Clerks: How many?