



Support HB 632/ SB 506: Juvenile Age to 18 Raise the Age for Youth Accused of Minor Offenses

North Carolina is one of only two states that continue to prosecute all 16- and 17-year-olds as adults in the criminal justice system, with no exceptions. Evidence shows that youth who go through the adult system are more likely to commit more crime down the road, as permanent adult criminal records limit their opportunities. Handling youth who commit minor crimes in the juvenile system improves public safety and eliminates unnecessary roadblocks to life success in the path of youth who are rehabilitated.

Most Crimes Committed by Youth are Minor

Ninety-seven percent (97%) of 16- and 17-year-olds arrested in the adult system are accused of misdemeanors (79%) or low-level felonies (18%).¹

The Youth Accountability Task Force, a body of legislators and experts who have been studying the issue of raising the age of juvenile court jurisdiction for 18 months, recommends that **the three percent of youth accused of serious felonies continue to be processed in the adult system, per current law.**

The Task Force recommends that the other 97 percent of youth – those who have committed minor crimes – be handled in the juvenile justice system.

Brain Science Demonstrates that 16-Year-Olds are Not Adults

In North Carolina, at age 16, a student can legally drop out of school and also be automatically arrested, treated and incarcerated as an adult. Science about how adolescents' brains work tells us that 16-year-olds are works in progress, as any teacher or parents knows. The region of the brain that develops last is the region that controls many of the abilities that govern goal-oriented, rational decision-making. Adolescents do not have the same abilities as adults to make sound judgments in complex situations, control their impulses or plan effectively for the long term.

Minor, School-Based Offenses Can Land Students in Adult Court

Just over 20,000 youth entered the North Carolina juvenile justice system in 2007. In the same year, nearly 32,000 16- and 17-year-olds entered the adult criminal justice system. Each year, many referrals to the juvenile system – 2 out of 5 in 2009 -- are for school-based offenses. Data is not collected on how many of the adult arrests are for school-based offenses, but the statistic for the juvenile system would suggest it is significant.

Because North Carolina sends all 16- and 17-year-olds accused of a crime to the adult system and a student can legally quit school at age 16, North Carolina's school-to-prison pipeline is even more accelerated than that of other states. Most high-school students accused of a school-based offense, if law enforcement becomes involved, go to adult court. They receive an adult criminal justice record that follows them the rest of their lives.

¹ State Bureau of Investigation 2007/08 Arrest Data and NC Sentencing and Policy Advisory Commission, 2007/08 Preliminary Youthful Accountability Planning Task Force Data.

Jaqwan's Story

A year ago, Jaqwan was in high school and planning to become an engineer. Accused of participating in a school yard fight, Jaqwan, at 16 years old, was sent to the adult criminal justice system.

Discouraged, Jaqwan dropped out of school. He is currently working on his GED, but he has had trouble finding any job because of his adult criminal justice record. He now aspires to be a barber.

The adult record will follow Jaqwan for the rest of his life, limiting his opportunities to enter college, obtain school loans, or be employed.

Juvenile System Improves Public Safety, Puts Youth Back on Right Path

Because of the minor crimes they commit, most youth in the adult system receive probation, leaving them largely unsupervised and without the resources to become productive citizens as they mature. The juvenile system's requirements for education, parental involvement, mentoring, tutoring, mental health and substance abuse treatment, counseling and restitution make it more effective than the adult system at putting youth back on the right path.

	In the Juvenile System:	In the Adult System:
Education	Youth must attend school or get GED.	No education requirement.
Parent Involvement	Parent/guardian must be involved.	Parent/guardian need not be notified.
	Youth released from detention center <i>only</i> to parent/guardian. Youth have no right to pretrial release, no right to bond.	Youth can make bail and leave county jail on own recognizance.
Age-Appropriate Services, Treatment and Punishment	Youth receive assessments, have frequent contact with court counselors, and report regularly for rehabilitative services.	Services not required or, often, even offered. Those that are offered are intended for adults and are therefore not developmentally appropriate for adolescents.
	Youth and families often receive court-ordered evidence-based therapies: counseling, training, mentoring, tutoring, and parenting skills.	
	Youth with mental health and substance abuse issues receive intensive services. Regular contact with court counselors	

In North Carolina, youth who serve adult time are more than twice as likely to be reconvicted of crimes as youth who are punished and rehabilitated in the juvenile system.²

Educators know that, though they may look like adults, adolescents' brains are not yet fully developed. Warehousing youth in the adult system does not improve public safety and severely limits their life opportunities. The juvenile system, with its developmentally appropriate services, treatment and punishment, is the best place to handle youth who commit minor crimes. We can keep paying for the costs of crime, or we can invest in our youth and get it right the first time.

² NC Sentencing and Policy Advisory Commission in conjunction with the N.C. Department of Corrections, "Correctional Program Evaluation: Fiscal Year 2001/02." 2006.