



Positive Pathways to Adulthood:
Raise the Presumptive Age of Adult Criminal Prosecution

A growing economy and strong supportive communities help build opportunities and prosperity for all of us, now and in the future. A key strategy in the service of these goals is the successful guidance of young people through the transition from childhood to adulthood. When programs and services foster positive youth development, today’s youth can become healthy, productive adult citizens that will grow tomorrow’s economy, care for their elders and rear the next generation of leaders.

Recent brain science demonstrates that adolescents do not have the same abilities as adults to make sound judgments in complex situations, to control their impulses or to plan effectively for the long term. When young people hit a rough patch, guidance from responsible adults and developmentally appropriate programs, services and punishment can act as a scaffolding to support their healthy growth and development. North Carolina has this structure in place. Unfortunately, the current system is denying some of our youth access to it.

MINORS ARE NOT ADULTS

Recent science has demonstrated that 16- and 17-year-old brains are highly elastic and malleable. The relationships made and behaviors learned during this crucial developmental stage are hard-wired into their architecture and help determine long-term life outcomes. Despite this conclusive brain research, **North Carolina is the only state in the nation to automatically charge, try, sentence, probate and incarcerate minors in the adult criminal system with no exceptions.** While the juvenile system offers young people therapy, education, guidance, mentors, programs and age-appropriate punishment to increase their chances of healthy development and success, the adult system sends most youth back out onto the streets with little oversight.

THE ADULT CRIMINAL JUSTICE SYSTEM IS A REVOLVING DOOR

Seventy-five percent of 16- and 17-year-olds in the adult system receive probation—a slap on the wrist compared to the juvenile system. Adult probation means inconsistent treatment or rehabilitative services, minimal community restitution and little contact with probation officers. The juvenile system places far more requirements on youth and their families, creating the structure and accountability that can help these children become responsible adults.

	In the Juvenile System:	In the Adult System:
Parent Involvement	Parent/guardian must be involved. Youth released from detention center <i>only</i> to parent/guardian. Youth have no right to pretrial release; no right to bond.	Parent/guardian need not be notified. Youth can make bail and leave county jail on own recognizance.
Education	Youth must attend school or get GED.	No education requirement.
Age-Appropriate Services, Treatment and Punishment	Youth receive assessments, report regularly for rehabilitative services. 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.	Services not required or, often, even offered. Those that are offered are intended for adults and are therefore not developmentally appropriate for adolescents.



JUVENILE JUSTICE CREATES SAFER COMMUNITIES

Research demonstrates the failure of the adult system to give youth the structure they need to grow into productive citizens. Youth who go through the adult system are re-arrested, reconvicted, re-incarcerated and have their probation revoked at higher rates than other adult offenders. A 2007 N.C. Sentencing Commission study of youthful offenders revealed that 16- and 17-year-old offenders sentenced either to adult probation or adult prison had higher re-arrest rates than the entire sample of youthful offenders ages 13 to 21. **Youth who serve adult time are more than twice as likely to be reconvicted of crimes as youth who receive treatment, rehabilitative services and punishment in the juvenile system.** The adult system is not weak; it is simply not structured to handle the developmental needs of children. That is the job of the juvenile system, with its treatment programs, rehabilitative services, and developmentally appropriate punishment.

And data show it is working. As research-based services have been ramped up in North Carolina over the last decade, the state crime rate for juveniles age 15 and younger has plummeted, reaching an eight-year low in 2007. Bringing 16- and 17-year-olds into this system that is built for their developmental stage and proven to reduce youth crime is good public policy.

JUVENILE JUSTICE MAKES GOOD ECONOMIC SENSE

National cost-benefit analyses also show that developmentally appropriate intervention in the lives of troubled youth is one of the most cost-effective uses of public money. The well-respected Washington State Institute for Public Policy performed cost-benefit analyses on over 60 distinct *research-based* prevention and early intervention programs for children and youth in various categories including pre-K, home visitation, juvenile offender programs and others. **The study concluded that effective programs for juvenile offenders have the highest net benefit of any category of program.** Specifically, eight of the 10 most cost-effective programs were for juvenile offenders. Many of these successful programs are used in North Carolina.

An expert cost-benefit analysis performed for the state of Connecticut as they contemplated moving their 16- and 17-year-olds into the juvenile system concluded that, excluding costs for new juvenile detention construction, raising the age returned \$3 in benefit for every \$1 spent. Even including those construction costs, the return was about \$1 for every \$1 spent.

RECOMMENDATIONS:

1) Raise the Age to 18. All young offenders up to age 18—the generally accepted age of majority—should begin in the juvenile justice system. **Juvenile court judges will retain the authority they already have to transfer young offenders to the adult system for serious crimes.** But the vast majority of young offenders who commit minor crimes will be placed into North Carolina's supportive scaffolding of age-appropriate treatment services and punishment.

(2) Increase Funding for Juvenile Services. Community intervention and prevention are best achieved through an integrated system of state and community-based programs. However, funding for juvenile services has remained stagnant in recent years. When 16- and 17-year olds are shifted out of the adult system and into the juvenile system, additional funding will be needed to expand services and to train and support more program staff in the best evidence-based practices.