

Setting the Stage: Juvenile Justice History, Statistics, and Practices in the United States and North Carolina

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Most states' juvenile justice systems have two main goals: increased public safety and the rehabilitation of adolescent offenders. Youth crime trends and media attention have emphasized the need for increased public safety and punishment, on the one hand, and rehabilitation on the other. Since there is not a national juvenile court system with a uniform set of guidelines and procedures, each state defines adolescent offenders in its own way and relies on a range of options for determining how they should be treated. The North Carolina General Assembly is addressing the question of whether 16- and 17-year-olds charged with a crime should be prosecuted in juvenile court instead of adult criminal court where they are currently handled.

This brief provides background and recent history on the handling of adolescent offenders in the United States and North Carolina; a description of how the current North Carolina juvenile justice system works; recent North Carolina juvenile justice statistics; and information on programs and facilities for adolescent offenders in North Carolina and other states.

Background and Recent History in the United States and North Carolina

The question of whether adolescent offenders should be prosecuted in the juvenile or adult system

is important because offenders aged 16-24 account for 37 percent of arrests for violent crime in the United States and North Carolina.^{1, 2, 3, 4} Data show that serious violent crime peaks during the late teenage years and declines steadily as individuals move into their late 20s. Moreover, although 15- to 19-year-olds represent approximately seven percent of the total US population, they account for more than 20 percent of all violent crimes in the United States.^{5, 6}

Fluctuations in violent crime can also be attributed to the rate at which older adolescents and young adults commit crime. To illustrate, both the increase in crime of the 1980s and early 1990s and the subsequent decrease in the late 1990s are attributed to changing patterns of criminal activity among those in the 16 to 25 age range. By comparison, adult criminal behavior changed little during this period.⁷ In short, policies that impact the frequency and duration of criminal activity among 16- and 17-year-olds have a major impact on overall crime rates and public safety.

While the overall juvenile crime rate is down from its peak in the 1990s, juvenile courts nationally handled 41 percent more delinquency cases in 2002 than in 1985.⁸ Delinquency cases are those in which the juvenile is charged with an offense for which an adult would be prosecuted in criminal court.⁹ Delinquent acts include crimes against persons or property, drug offenses, and crimes against public order.¹⁰ Delinquent acts exclude status offenses, offenses only juveniles can commit, such as truancy and running away. As of 2001, females

accounted for 29 percent of all juvenile justice arrests in the United States. Although this is less than one-third of juvenile arrests, it is notable that female arrests increased nearly 50 percent from a decade earlier when the proportion was only 20 percent.¹¹

In response to the rising crime rates of the 1980s and early 1990s, many states instituted legislative and judicial provisions making it easier to sentence young offenders in adult criminal courts.¹² Many states acted on a concern that the juvenile justice system was “soft on crime” and not equipped to manage the growing number of serious, violent adolescent offenders whose behavior was increasingly viewed as resistant to change.¹³ To combat this perception, some states created transfers to adult court, made juvenile sentences more punitive, and eliminated the confidentiality safeguards available in juvenile court. The assumption was that by issuing harsher and longer sentences in the adult court system, greater numbers of serious and violent adolescent offenders would be removed from the streets or deterred from further crimes.

Opponents of these tougher sentencing policies made two arguments.^{14, 15} The first was that it was unjust to punish juveniles as adults and hold them accountable for their actions in the same way as adults. The second argument was that placing adolescent offenders in the adult system would lead to more criminal activity when those youths were released, thereby outweighing any public safety gains.

North Carolina has been largely removed from these debates because under current North Carolina state law, all 16- and 17-year-old offenders are prosecuted in the criminal justice system. While the state’s criminal code allows those younger than 16 to be transferred to adult court, very few cases are transferred. This is in part because youth under 16 years of age commit far fewer serious violent crimes than non-violent crimes (*see pie chart on next page*).

While juvenile justice laws are mostly state-determined, in 2005 the United States Supreme Court abolished capital punishment for adolescent

offenders. It ruled that it is unconstitutional to sentence anyone to death for a crime he or she committed while under the age of 18. The court relied on research addressing adolescents’ blameworthiness, competence to stand trial, and the potential for an adolescent’s character to change. (*See Brief 2 for a summary of this research.*)

North Carolina’s Juvenile Justice System

North Carolina defines a delinquent juvenile as a person who commits a crime or infraction when at least six years of age and not yet 16.¹⁶ Several steps are involved in determining how an adolescent in the juvenile justice system is handled.

- A youth between the ages of six and 15 becomes involved in the juvenile justice system when a “complaint,” an allegation of a criminal offense, is made against him or her.¹⁷ Most often, these delinquency allegations are made by law enforcement.¹⁸ Allegations are also made by parents, victims, and schools.
- Next, a juvenile court counselor reviews the case and determines whether the complaint should be approved for a court hearing. The cases not approved for a court hearing are diverted (referred to other programs or services) or simply closed.
- A youth whose complaint is approved for court is scheduled for an adjudicatory hearing before a juvenile court judge.
- A youth who goes to court and is adjudicated (or found to be) delinquent then receives a court-ordered disposition, which the NC Juvenile Code describes as a “plan” to meet the juvenile’s needs and the needs of the state. The plan can last until the offender is 18, 19, or 21. The duration of disposition is an important consideration in the current discussion of whether to raise the age of juvenile jurisdiction from 16 to 18.

- A youth who is adjudicated delinquent can receive one or more of a range of dispositions, including probation, community service, substance abuse treatment, counseling, electronic monitoring, or commitment to a Youth Development Center. The range of dispositional alternatives available to the court is determined by the offense for which the juvenile was adjudicated delinquent and the juvenile's history of prior adjudications. Dispositions for delinquent juveniles are generally at one of three disposition levels: Community, Intermediate, or Commitment. These levels provide a graduated set of disposition options for the court to provide for community safety and to develop treatments for youth.

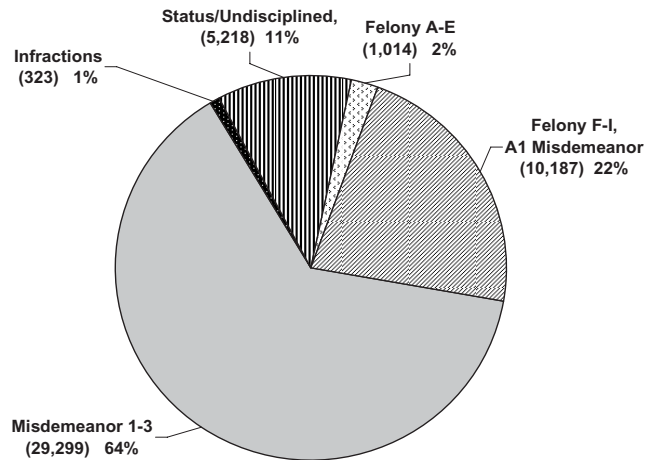
North Carolina Juvenile Justice Statistics

The following data from 2004 illustrate the number of youth at different stages of the North Carolina juvenile justice process.¹⁹

Note: These data include youth age six to 17 charged with status offenses, and youth age six to 15 charged with misdemeanors and felonies. Youth may be counted more than once for multiple offenses.

- 46,097 complaints were received for 23,368 youth (73 percent of youth were males).
- 12,668 youth had complaints that were not approved for court. Most of these youth entered into diversion agreements or contracts that provided for community service, restitution, or other options; some cases were simply closed.
- 12,119 youth had complaints that were approved for court (scheduled for an adjudicatory hearing before a juvenile court judge).
- Of the 12,119 youth with complaints approved for court, 609 (5 percent) were approved for violent crimes.
- 8,418 youth were adjudicated delinquent and subjected to dispositional orders.

Juvenile Crime and Offenses in North Carolina 2004



Source: NC Department of Juvenile Justice and Delinquency Prevention, 2004 Annual Report

NOTE: The total in this chart changed from 46,041 to 46,097 after the publication of the NCDJJD 2004 Annual Report.

In 2004, the North Carolina Department of Juvenile Justice and Delinquency Prevention (NCDJJD) classified youth in the NC Juvenile Justice system according to the following types of offense:²⁰

- 64 percent minor misdemeanor (simple assault, drug possession, disorderly conduct, carrying a weapon)
- 22 percent serious misdemeanor and minor felony (robbery, breaking and entering, forgery)
- 11 percent status offense (truancy, running away)
- 2 percent serious felony (sexual offenses, murder, drug trafficking)
- 1 percent other

North Carolina Facilities for Adolescent Offenders

North Carolina has three types of facilities for adolescent offenders: youth development centers, detention centers, and correctional institutions.²¹ NCDJJD operates five youth development centers and nine detention centers. The NC Department of Correction (DOC) operates correctional institutions. Both departments also operate community-based services.

Youth development centers house offenders age 10 to 21 for one year, on average, and provide youth mentoring, education, and treatment, with an emphasis on rehabilitation. In recent years, NCDJJD has adopted a number of evidence-based therapeutic programs in youth development centers.

Detention centers have fewer and more limited services and staff than youth development centers since the majority of juveniles housed in detention centers are awaiting an adjudicatory or dispositional hearing. Four NC counties (Durham, Forsyth, Guilford, and Mecklenburg) operate their own detention centers.

The DOC has two main **correctional institutions** for “youthful offenders.” These facilities, where juveniles transferred to adult court are housed after conviction, are Western Youth Institution (WYI) in Morganton (males only) and North Carolina Correctional Institute for Women (NCCIW) in Raleigh (females only). Inmates at WYI range in age from 13 to 25. (Historically, youthful offenders in DOC are offenders 21 years of age and under. The inclusion of offenders ages 22 to 25 is a product of the declining youthful offender population and the use of the available space for older inmates.) NCCIW houses female inmates of all ages. DOC strives to separate older and younger inmates in both institutions.

In a March 2006 presentation to the NC Sentencing and Policy Advisory Commission, the DOC Division of Prisons provided information on the 1,839 13- to 20-year-old youth incarcerated in adult facilities statewide. Of these, 96 percent were males, and nine percent were under age 18.²² Nearly 96 percent were felons. Overall, the rate of incarceration of adolescent offenders has declined significantly since 1995.

Programs for Adolescent Offenders

Juvenile justice facilities in North Carolina and other states offer a wider range of programs and services to adolescent offenders than are typically available through adult correctional systems. Whereas there is not universal agreement about the effectiveness of these programs, those listed here have been identified by the NC Sentencing Commission as model programs and promising programs:

Model Programs:

- Cognitive-behavior training (e.g., Aggression Replacement Training)
- Family therapy in combination with cognitive-behavioral training models (e.g., Multi-systemic Therapy)

Promising Programs:

- Wrap-around service programs (e.g., Juvenile Repeat Offender Prevention Project)
- Drug court
- Aftercare
- Drug treatment with urine testing
- Intensive supervision probation

In addition, North Carolina has a Juvenile Crime Prevention Council (JCPC) in each of the state’s 100 counties. JCPCs form the infrastructure of a state/county relationship in which juvenile justice intervention and prevention programming are planned and delivered in the community. JCPCs plan for a continuum of services for youth at risk of delinquency or adjudicated to be delinquent. Many more adolescent offenders are served through JCPC funded programs than through residential facilities.

ENDNOTES

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