



# Setting the Stage: Juvenile Justice History, Trends, and Statistics in North Carolina and the U.S.

By Sarah Hammond  
National Conference of State Legislatures (NCSL)

North Carolina Family Impact Seminar  
March 20, 2007



# Introduction and Overview



- **Roadmap:**

- Brief history of juvenile justice system
- Juvenile justice today
- Age factors, jurisdictional authority and definitions
- Trends in the last 20 years - 5 areas of change
- Treating juveniles like adults: pros & cons
- North Carolina Profile

# History of Juvenile Justice System



- Founded more than a century ago on the principle that children are fundamentally different from adults, and that the justice system that deals with them should reflect these differences.
- Within 2 decades, every state had legislated some form of a juvenile court and code.

# Juvenile Justice today



- Two themes drive the system:

- 1) the welfare of young offenders, and

- 2) the protection of public safety.

# Juvenile Justice today continued



## Comprehensive juvenile justice:

- Serves dual purpose of protecting the public and preventing chronic and serious juvenile crime.
- In the past 20 years, a dozen states have enacted broad juvenile justice system reforms or reorganizations, including NC in late 90s.
- Based heavily on "what works," a comprehensive strategy focuses both on stemming the threat of serious juvenile crime and expanding options for handling juvenile offenders.

# Age Factors



## Maximum age of juvenile court jurisdiction:

- **3** states = age 15 (NY, CT, **NC**)
- **9** states = age 16 (GA, IL, LA, MA, MI, MO, SC, TX, WI)
- **38** states = age 17 (the rest).  
\*\*Since 1975, only **2** states have raised the age criteria: Alabama ('76) and NH ('06).

# Age Factors continued



**Minimum age: 16** states statutorily set the lowest age of juvenile court jurisdiction.

- The youngest age set is 6 in NC.
- **3** states = age 7 (MD, MA and NY)
- **1** state = age 8 (Arizona)
- **11** states = age 10 (AR, CO, KS, LA, MN, MS, PA, SD, TX, VT, WI)

**\*\*3** states have lowered the age. WY ('93); NH ('96); WI ('96). NH has both raised and lowered.

# Jurisdiction Authority



3 mechanisms that allow juveniles, of juvenile age, to be transferred to criminal court and tried as adults:

- 1) Judicial waiver (**46** states). Discretionary, mandatory, presumptive, reverse and "once an adult, always an adult" provisions.
- 2) Statutory exclusion (**29** states)
- 3) Concurrent jurisdiction a.k.a. direct file or prosecutorial discretion (**15** states)



# Transfer Ages



- In **23** states, no **minimum** age is specified.
- **2** states = min. age 10 (KS, VT)
- **2** states = age 12 (CO, MO)
- **6** states = age 13 (IL, MS, NH, NY, NC, WY)
- **16** states = age 14 (AL, AK, CA, CT, IA, KY, LA, MA, MI, MN, NJ, ND, OH, TX, UT, VA)
- **1** state = age 15 (New Mexico)

# Sentencing Structure



The following are sentencing options courts can use for imposing offense-based sentences:

- Blended sentences: (in adult and criminal court) allow for a combination of juvenile & adult sanctions.
- Extended jurisdiction: states have increased the maximum age of juvenile court jurisdiction.

# Extended Jurisdiction Ages



## Oldest age for each state

AGE 18: AK, IA, KY, NE, OK, TN

AGE 19: Mississippi and North Dakota

AGE 20: AL, AZ, AR, CT, DE, GA, ID, IL, IN, LA, ME, MD, MA, MI, MN, MI, NV, NH, NM, NY, NC, IH, PA, RI, SC, SD, TX, UT, VT, VT, VA, WA, WV, WY (**24** states)

AGE 21: Florida

AGE 22: Kansas

AGE 24: California, Montana, Oregon, Wisconsin

UNTIL THE FULL TERM OF THE ORDER: CO, HI, NJ



# Trends in the Last 20 years

- Rise in juvenile violence in mid-1980s to mid-1990s.
- Increases in juvenile crime was from some of the youngest offenders.

# 5 Areas of Change

1. **Transfer Provisions**
2. **Sentencing Authority**
3. **Confidentiality**
4. **Victims' Rights**
5. **Correctional Programming**

# 5 Areas of Change continued



- So, between 1993-1997, **47** states and DC changed their juvenile crime laws in one or more of these 5 ways, making sentencing more punitive, expanding allowable transfers to adult court, and doing away with juvenile confidentiality provisions.

# 1. Transfer Provisions



- **45** states passed laws making it easier to transfer juvenile offenders from the juvenile justice system to the criminal justice system.

## 2. Sentencing Authority

- Laws in the past 20 years have given criminal and juvenile courts expanded sentencing options.
- There was a change from rehabilitative goals toward punishment and accountability.
- Laws became more *offense* based rather than *offender* based sanctions for juveniles.
- The strategies for imposing offense based sentences: blended, mandatory minimum and extended jurisdiction.



# 3. Confidentiality

- **47** states modified or removed traditional juvenile confidentiality provisions since the mid-1990s.
- The following 4 issues were addressed: A) hearings; B) records; C) expungement; D) school notification.

# A. Delinquency Hearings

- **14** states opened juvenile delinquency hearings to the general public.
- In **7** of those states, the state constitution has broad open court provisions (FL, NC, TX, AR, AZ, NM, CO, NE, IA, MI, MT, WA, OR, NV).
- **21** states have laws that open hearings for some type of cases - the restrictions typically involve age and/or offense criteria. (ME, MA, PA, VA, DE, GA, LA, OK, ID, CA, CA, AK, HI).

## B. Juvenile Records

- Today, all **50** states allow information contained in juvenile court records to be released to various interested parties.
  - **35** allow access by the juvenile;
  - **40** allow access by parent or guardian;
  - **40** allow access by juvenile's attorney

# Juvenile records continued

- In at least **28** states qualifying juveniles are required to register as sex offenders.

AZ, CA, CO, DE, FL, ID, IL, IN, IA, KS, KY,  
LA, MA, MI, MN, MS, MT, NJ, NC, OR, RI,  
SC, SD, TX, UT, VA, WA, WI.

## C. Expungement

- Most states have laws for the disposal of a juvenile's criminal record.
- Typically, states stipulate the method of record disposition - either sealing, erasing (expunging) or destroying the record, and the conditions that must be met (i.e. no new offenses).

## D. School Notification

- 44 states have school notification laws.
- Under these laws, schools are notified when students are involved with law enforcement or courts for committing delinquent acts.

## 4. Victims' Rights

Victims were given greater role in process. Over **35** states have passed laws to do this in the past 15 years.

- **Most** states give victims of juveniles the right to be present and heard at juvenile proceedings and provide that the judge may order restitution.
- **11** states give victims the right to have their address kept confidential.
- **12** states have provisions in law providing victims the right to a separate waiting area away from juvenile offender.

# 5. Changes in Correctional Programming

- Juveniles convicted as adults housed in separate facilities from adults;
- Creation of special programs to address the needs of juveniles convicted as adults;
- Enhancing programs in the juvenile correctional systems - in the 90s, focused on the secure detention of violent juvenile offenders. More recently, they have focused on funding community-based interventions and supervision of offenders.



# Arguments for certain juveniles to be handled in adult court

Policies for treating juveniles like adults in certain circumstances have been based on the following:

- Juvenile court sanctions are weak retribution for serious criminal behavior by juveniles.
- Deterrence.
- Risk to public.

# Arguments for, continued

- Juvenile crime and young offenders have changed in this century.
- Accountability.
- Fairness to victims.

# Arguments for Keeping Juveniles in the JJ system

- Felonious juvenile behavior is outgrown.
- Media can glamorize juvenile crime causing inaccurate public fears.
- Public safety is served better with juveniles in the juvenile system as they are monitored more closely by probation and parole officers.
- Juveniles in adult prisons more likely to commit suicide and be sexually assaulted.

# Arguments for keeping juveniles in JJ system, continued

- Legal consequences of criminal court felony convictions are too harsh.
- Brain development research has come to light illustrating the differences between adults and juveniles.
- Adult systems are unable to deal appropriately with young offenders.
- Juvenile more likely to be rehabilitated in juvenile system.



## Pendulum is swinging again....

- Juvenile crime rates appear to be falling now.
  - State legislatures are reacting to brain development research.
- Federal level changes: Supreme Court striking down the death penalty for juveniles in 2005.

# North Carolina Profile

- Adult Administration: Dept. of Corrections is composed of 4 sections: Central Administration, Division of Prisons, Division of Community Corrections and Correction Enterprises.
  - Budget: NC has the **8<sup>th</sup>** highest in the country. The average daily cost per offender is \$62.03.
  - Inmate Population: 159 males and 9 females under the age of 18 of the total 36,136 inmates.



# North Carolina Profile continued

- **Juvenile Administration:** The Department of Juvenile Justice and Delinquency Prevention was established in July 2000.
  - **Budget:** NC has the 9<sup>th</sup> highest in the country. The average daily cost per offender is \$217.
  - **Inmate Population:** 202 offenders under age 16; 259 aged 16 and 17; and 10 over age 18 of the 462 total population.



# North Carolina Juvenile Justice Statistics

In 2004, the following is the breakdown of youth in the Juvenile Justice system:

- **2%** serious felonies (sexual offenses, homicide)
- **11%** status offenses
- **22%** serious misdemeanor and minor felonies (robbery, breaking and entering)
- **64%** minor misdemeanor (drug possession, carrying a weapon, simple assault)
- **1%** other (Source: NC Department of Juvenile Justice and Delinquency Prevention)





# North Carolina Profile: The Juvenile Code

## Purpose clause:

- accountability and protection

## Jurisdictional age and transfer provisions:

- Maximum age of juvenile court jurisdiction is 15.
- Minimum age is 6.
- Transfer age from juvenile to adult court is 13.
- Extended jurisdiction of juvenile court age is 21.

# The Juvenile Code continued

## Status Offenders (“undisciplined juveniles”):

- As with delinquents, the court can exert jurisdiction when they reach 6 and it can continue till they reach 18.
- Sanctions enhanced in recent years.

## Delinquency hearings:

- Open to the public unless closed by judge for good cause.

## School notifications:

- Greater communication is now mandated.

# The Juvenile Code continued

- Rights of victims of juvenile offenders:
  - have the right to request in writing to be notified in advance of the juvenile's scheduled release date.
- Juvenile sex offenders:
  - qualifying juveniles required to register.



# North Carolina: recent trends

- An increase in procedural rights for juveniles - similar to the rights afforded adults in the criminal courts, e.g., the right to an attorney; the right to a jury;
- An increase in focus on the offense committed, as opposed to the sole need for care and supervision;

# North Carolina: recent trends continued

- An emergence of family courts, whose goal is to coordinate case management for a single family with needs;
- Incorporating juvenile matters into the broader context of family's legal issues;
- Emphasis on de-institutionalization in favor of community-based dispositional resources.
- Courts trying to keep youth in their homes or group homes, if possible;

# North Carolina: recent trends continued

- Increased awareness of the role of parents in juvenile justice;
- More “openness” of records and proceedings, e.g., in North Carolina, a 1994 law was passed forbidding the expungement of court records for those youth who have been adjudicated delinquent for specific violent felonies or for repeat offenders.



Concluding remarks...



**Thank you!**





# Contact Information

[sarah.hammond@ncsl.org](mailto:sarah.hammond@ncsl.org)  
(303) 856-1361

[www.ncsl.org](http://www.ncsl.org)

