

## Juvenile Justice System Impacts in the First Year of Raise the Age

The Juvenile Justice Reinvestment Act (JJRA), which raised the age of juvenile court jurisdiction to include youth who commit offenses at ages 16 and 17, went into effect on December 1, 2019. What impacts have been realized in the juvenile justice system as a result? The Juvenile Jurisdiction Advisory Committee (JJAC), created by the JJRA, submitted its required [interim report](#) to the General Assembly on January 15, 2021. The report provides many details about the first year of implementation as well as JJAC recommendations for legislative amendments and ongoing budgetary needs. This blog provides a summary of some of the trends during the first year of raise the age implementation as detailed in the report.

### Juvenile Justice System Volume

The juvenile justice system realized a 38% increase in complaints received during the first year of raise the age implementation. 12,349 delinquency complaints were received for 4,107 youth who were alleged to have committed offenses at ages 16 and 17. These youth are referred to in the report as “Raise the Age Youth.”

One of the most significant impacts of shifting these cases from criminal court to juvenile court is the use of the juvenile intake process. Pursuant to [Article 17](#) of Chapter 7B of the General Statutes, juvenile complaints are first screened by juvenile court counselors. Most juvenile complaints can be either closed, diverted, or moved to court through the filing of a petition based on the intake process. See [G.S. 7B-1701](#) for the list of offenses that must proceed to petition. Nearly a quarter (24.5%) of complaints for Raise the Age Youth were diverted at intake and more than another quarter (29.6%) were closed.

It is difficult to assess whether this first-year volume will be indicative of volume over time as COVID-19 became a reality after three months of implementation. Complaints for school-based offenses largely disappeared from the juvenile justice system when schools shifted to a remote model in March of 2020. While a small number of complaints for school-based offenses began to again trickle in starting in April of 2020, they represented only 16% of all complaints received in 2020 when they usually make up over 40% of complaints annually.

It is also difficult to know whether COVID-19 impacted juvenile offending or law enforcement behavior during this first year of implementation. Figure 1.2 of the report shows that, beginning in March of 2020, complaints received for offenses alleged to have been committed by youth under the age of 16 (non-Raise the Age Youth) dropped significantly from their levels in 2019. It is difficult to predict whether or not levels of complaints for both non-Raise the Age Youth and Raise the Age Youth will increase once the pandemic has abated, although it does seem reasonable to expect some increase.

## **Youth Transferred to Superior Court for Criminal Processing**

The JJRA requires that all cases alleging the commission of a Class A – Class G felony offense at age 16 or 17 be transferred to superior court following either the return of an indictment or a finding of probable cause. [G.S. 7B-2200.5.\(a\)](#). In addition, any case in which a Class H or Class I felony is alleged to have been committed at age 16 or 17 (and a Class A – Class G felony is not alleged), may be transferred to superior court following a discretionary transfer process. [G.S. 7B-2200.5.\(b\)](#).

A total of 245 Raise the Age Youth (of the 4,107 who were the subject of a complaint) had their cases transferred from juvenile court to superior court for criminal processing during the first year of raise the age implementation. Those 245 youth had a total of 701 complaints filed in their cases. Very few—only 5%--were transferred as a result of the discretionary transfer process for cases in which the most serious offense alleged was a Class H or Class I felony. The remaining 95% were transferred under the mandatory transfer provision that applies to cases alleging a Class A – Class G felony offense.

The most frequently transferred offense was robbery with a dangerous weapon, with 206 complaints alleging this offense. The next most frequently transferred charge was first-degree murder, with 51 complaints alleging this offense. The remaining charges among the top ten charges most frequently transferred were: assault with a deadly weapon with intent to kill (37), discharging a weapon into occupied property (31), discharging a weapon into an occupied property in operation (28), assault with a deadly weapon with intent to kill inflicting serious injury (23), breaking or entering a motor vehicle (17), common law robbery (17), possession of a handgun by a minor (17), and first-degree burglary (16).

Cases that are transferred to superior court under the JJRA must be remanded to juvenile court on a joint motion of the prosecutor and the youth's attorney. [G.S. 7B-2200.5.\(d\)](#). During the first year of implementation, eight cases were remanded to juvenile court under this provision.

## **Risks and Needs Among Raise the Age Youth**

The report provides a summary of risk and need information collected on 3,453 Raise the Age Youth and provides comparison data for 8,319 youth ages 10 through 15 as well as 139 youth under age 10, all of whom had delinquency complaints filed against them during the year. Overall, Raise the Age Youth were found to be slightly higher risk, on average, than younger youth. On a scale that ranges from risk level 1 through risk level 5, with a 1 being the lowest risk and a 5 being the highest risk, Raise the Age Youth averaged a risk level of 4 while younger youth averaged a risk level of 3. The measure of need among Raise the Age Youth was very similar to the need profile of youth ages 10 – 15. The majority, 60%, were determined to be low need, 1/3 (33%) were determined to be medium need, and just 7% were determined to be high need. Youth ages 10 – 15 had nearly the same profile, with 62% at low need, 34% at medium need, and 5% at high need.

The most significant difference between Raise the Age Youth and younger youth was the level of self-reported substance abuse. Nearly 2/3 (61%) of raise the age reported substance abuse while 1/3 (33%) of youth ages 10 – 15 reported substance abuse and less than 1% of the youngest youth (under 10) reported substance abuse. According to the report, frequency of running away from home, association with peers who were involved with delinquent or criminal behavior, and behavior that indicated need for additional mental health assessment or treatment all steadily increased with age according to the report.

### **Raise the Age and Juvenile Detention**

Projections completed prior to raise the age implementation called for an increase in juvenile detention bed capacity—from 190 to 490 beds. Half of the funding amount needed to develop that capacity (\$6.7 million) was provided and 133 of the new detention beds were made available. This includes new county-operated juvenile detention beds that were opened in Brunswick, Mecklenburg, and Madison Counties.

The trends in detention utilization during the first year of raise the age implementation reflect a complex interaction between reductions in detention admissions for non-Raise the Age Youth and longer lengths of stay for minors who are in juvenile detention waiting for resolution of their criminal court cases. The report notes that detention admissions for youth under the age of 16 declined. Given that the decline occurred during COVID-19, it is possible that some or all of that decline was driven by pandemic-related changes in the use of detention.

The average daily population in detention increased during the first year of raise the age despite the reduction in detention utilization for younger youth. The report explains that this increase in population can be partially explained by an increase in the average length of stay for youth who were admitted to a detention facility. In September of 2019, prior to raise the age, the average length of stay in detention was 16.2 days. The average length of stay in September of 2020 was 25.2 days. According to the report, the average length of stay increased as the number of youth with pending criminal cases who were in juvenile detention increased. This includes youth who had cases transferred to superior court from juvenile court and minors who were never under the jurisdiction of the juvenile court. The latter population of youth began to be detained in the juvenile detention setting following enactment of [H593](#) on August 1, 2020. You can find more information about the parameters of H593 [here](#). As of November 30, 2020, 26% of the population in juvenile detention was comprised of youth with cases that had been transferred (52 youth) and youth with cases that originated as criminal matters (10 youth). The report concludes that the new detention capacity that was originally projected is still needed in order to accommodate the increase in the average daily population being driven by the increase in the average length of stay.

### **Increased Services for Juveniles**

The first year of raise the age implementation also brought an expansion of some services for

justice-involved youth. Raise the age budgets were rolled out to local Juvenile Crime Prevention Councils and teen court and other restorative justice program models expanded from 60 counties to 96 counties. New requests for proposals were released for gang intervention strategies and residential intervention needs for gang-involved youth in the Piedmont region. A 3-year federal grant was obtained to support a pretrial release program in Wake county and eight of its surrounding counties for youth with pending criminal matters (both youth with transferred cases and H593 youth). In addition, two new residential sites were opened in Forsyth and Union Counties.

## Looking Ahead

With one year of implementation under our belts (albeit one very, very unusual year), some themes regarding gaps in the law and implementation challenges have emerged. I will focus on some of those topics in the months ahead. While I will continue to watch the trends in overall system utilization, transfer of cases to superior court, use of detention, and expansion of services, I am cognizant of this big picture—in the first year of implementation, 4,107 youth who would have previously been processed in the criminal justice system instead had their cases begin in the juvenile justice system. My writing and your questions for me often focus on the subset of those cases that are transferred to superior court (245 youth in year 1) because those cases are serious and become legally complex. Yet, those cases represented only 6% of the Raise the Age Youth in year 1. As we move into year two, perhaps we can learn more about the impact of juvenile justice system processing for older youth as the vast majority of these adolescents now remain in the juvenile justice system.