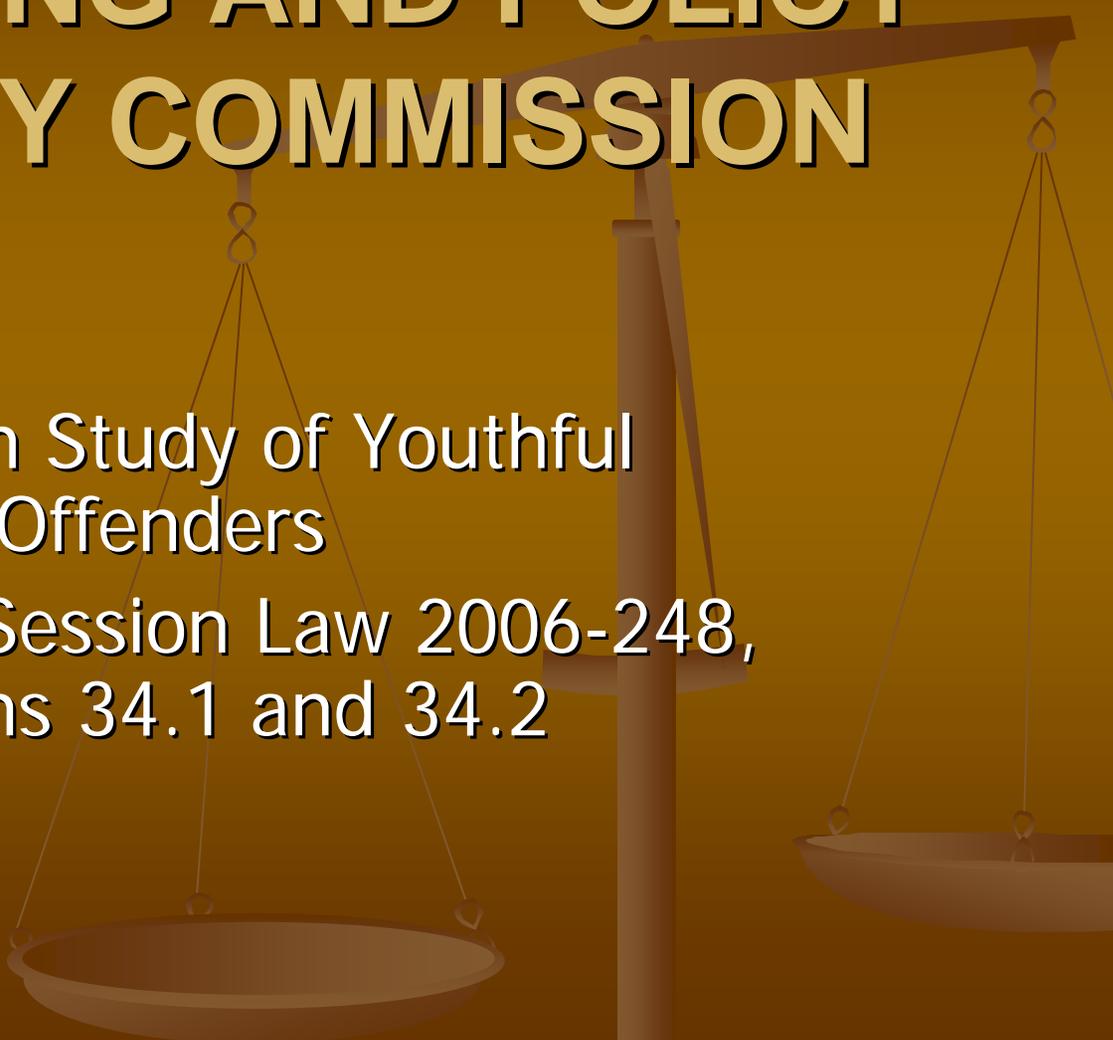


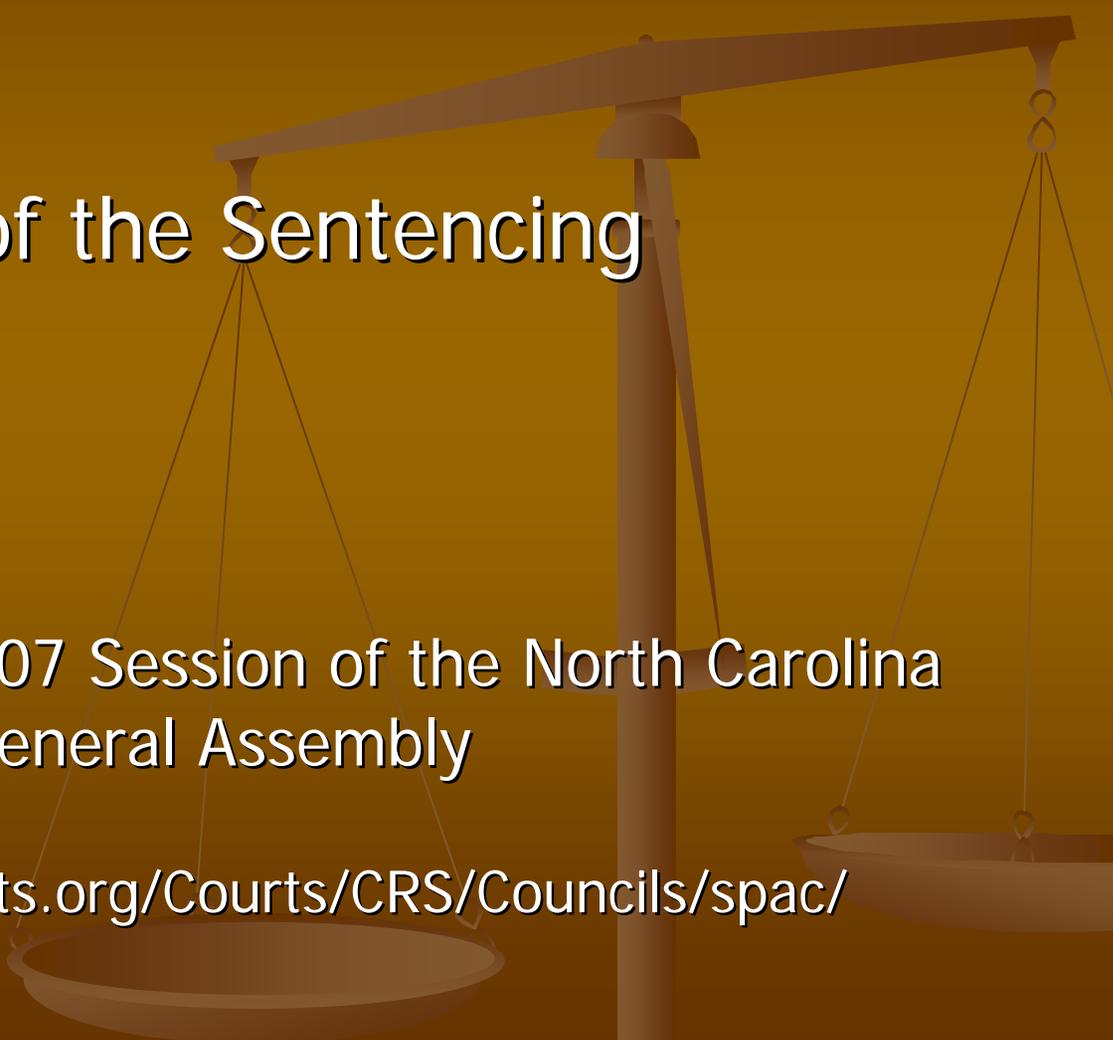
NORTH CAROLINA SENTENCING AND POLICY ADVISORY COMMISSION



Report on Study of Youthful
Offenders

Pursuant to Session Law 2006-248,
Sections 34.1 and 34.2

Commission Study Process



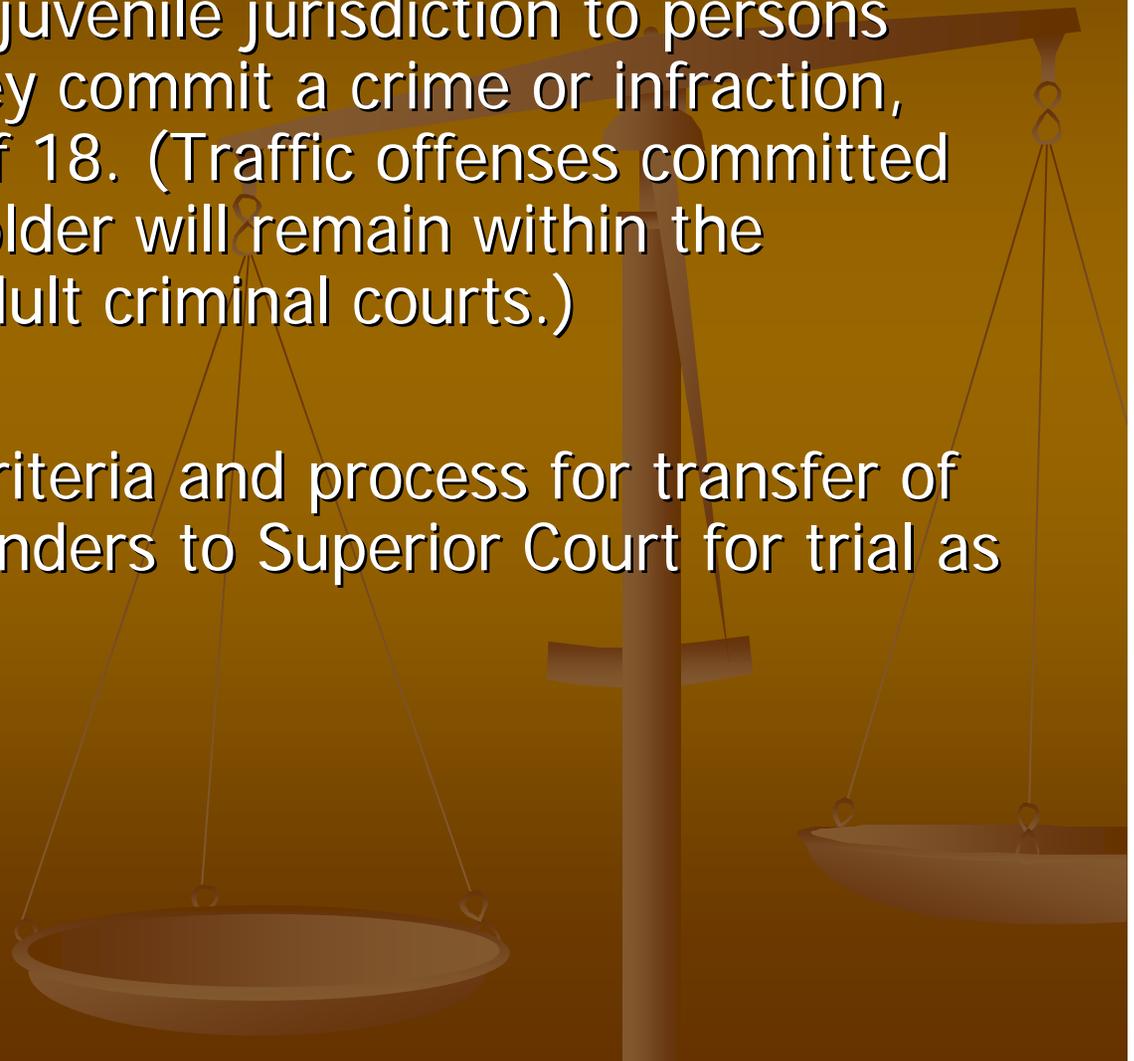
- Composition of the Sentencing Commission
- Study topics

Submitted to the 2007 Session of the North Carolina
General Assembly

<http://www.nccourts.org/Courts/CRS/Councils/spac/>

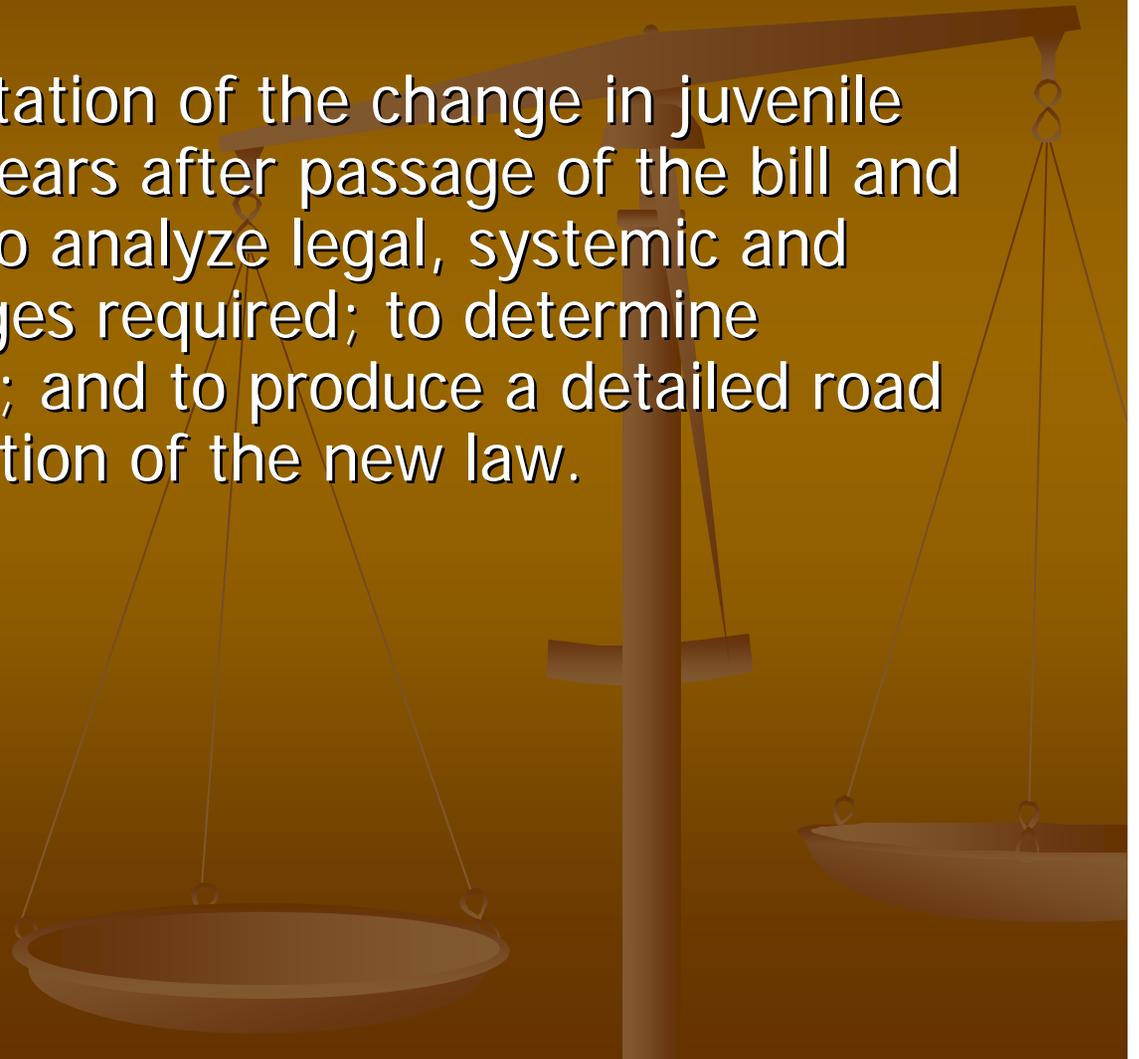
Recommendations

- Increase the age of juvenile jurisdiction to persons who, at the time they commit a crime or infraction, are under the age of 18. (Traffic offenses committed by persons 16 and older will remain within the jurisdiction of the adult criminal courts.)
- Retain the current criteria and process for transfer of alleged juvenile offenders to Superior Court for trial as adults.



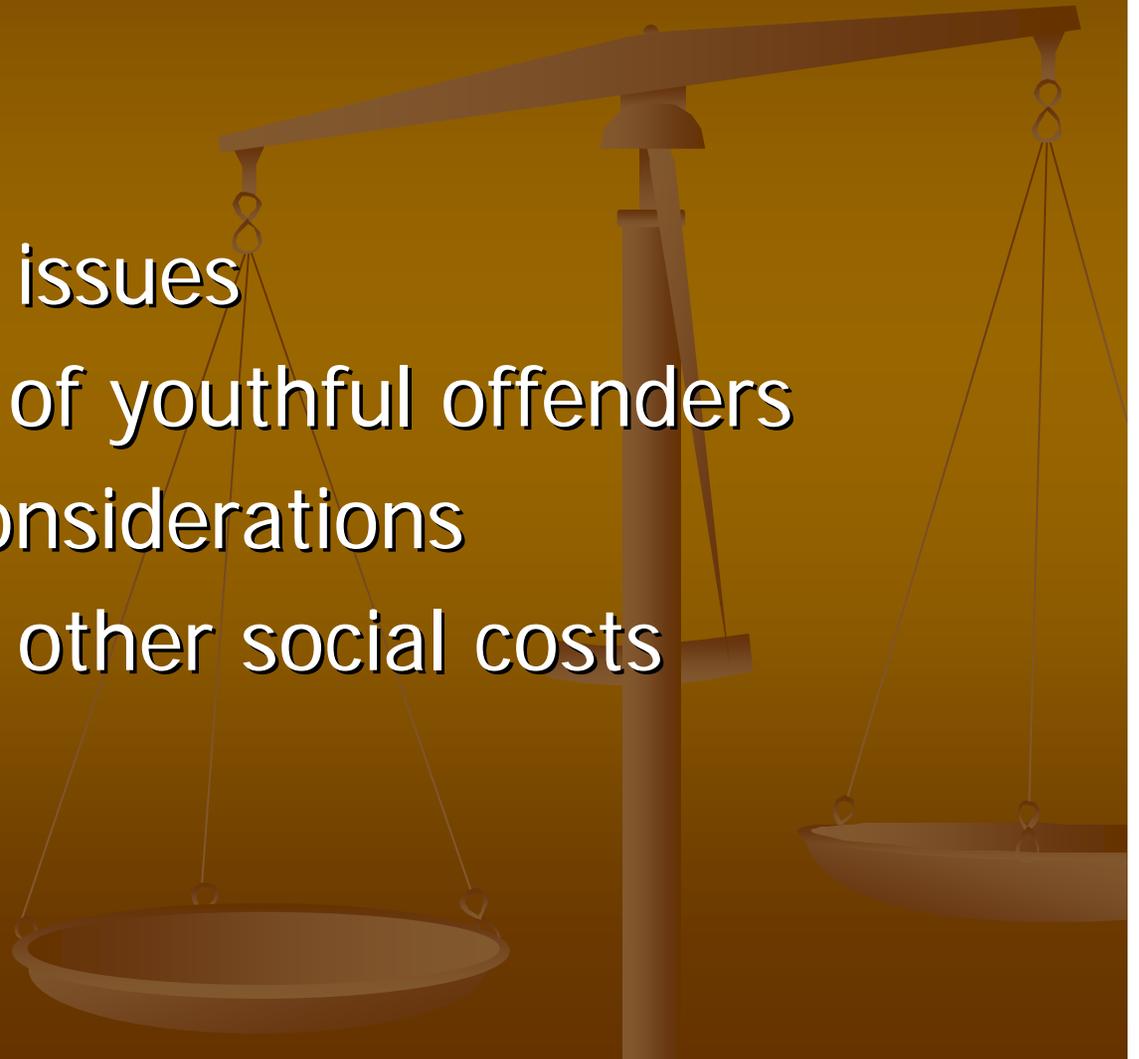
Recommendations (cont'd)

- Delay the implementation of the change in juvenile jurisdiction by two years after passage of the bill and create a task force to analyze legal, systemic and organizational changes required; to determine necessary resources; and to produce a detailed road map for implementation of the new law.



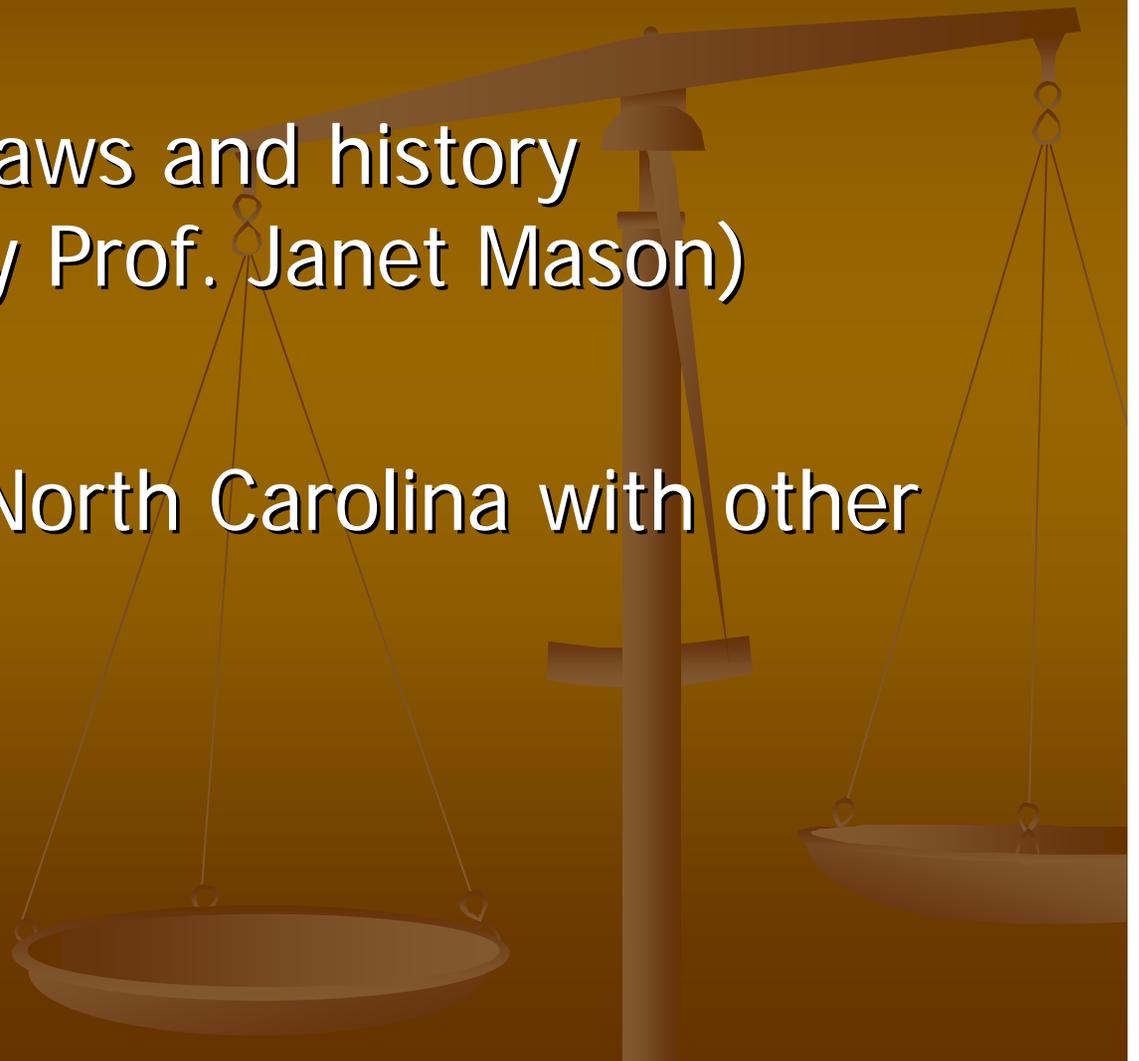
The Informational Basis for the Commission's Recommendations

- Legal review
- Developmental issues
- Offense profile of youthful offenders
- Public safety considerations
- Recidivism and other social costs



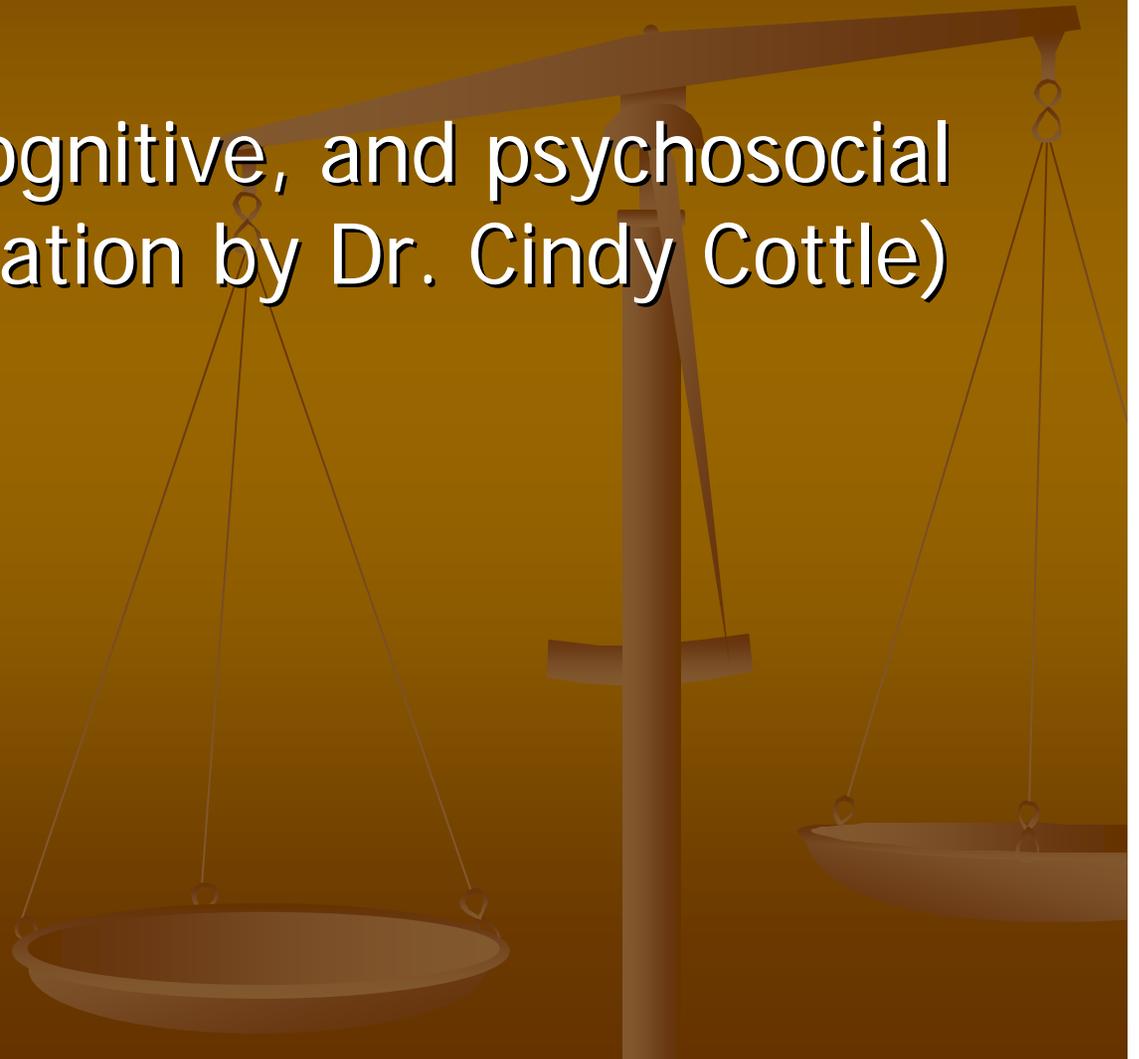
Legal Review

- North Carolina laws and history
(presentation by Prof. Janet Mason)
- Comparison of North Carolina with other states



Developmental Issues

- Physiological, cognitive, and psychosocial factors (presentation by Dr. Cindy Cottle)

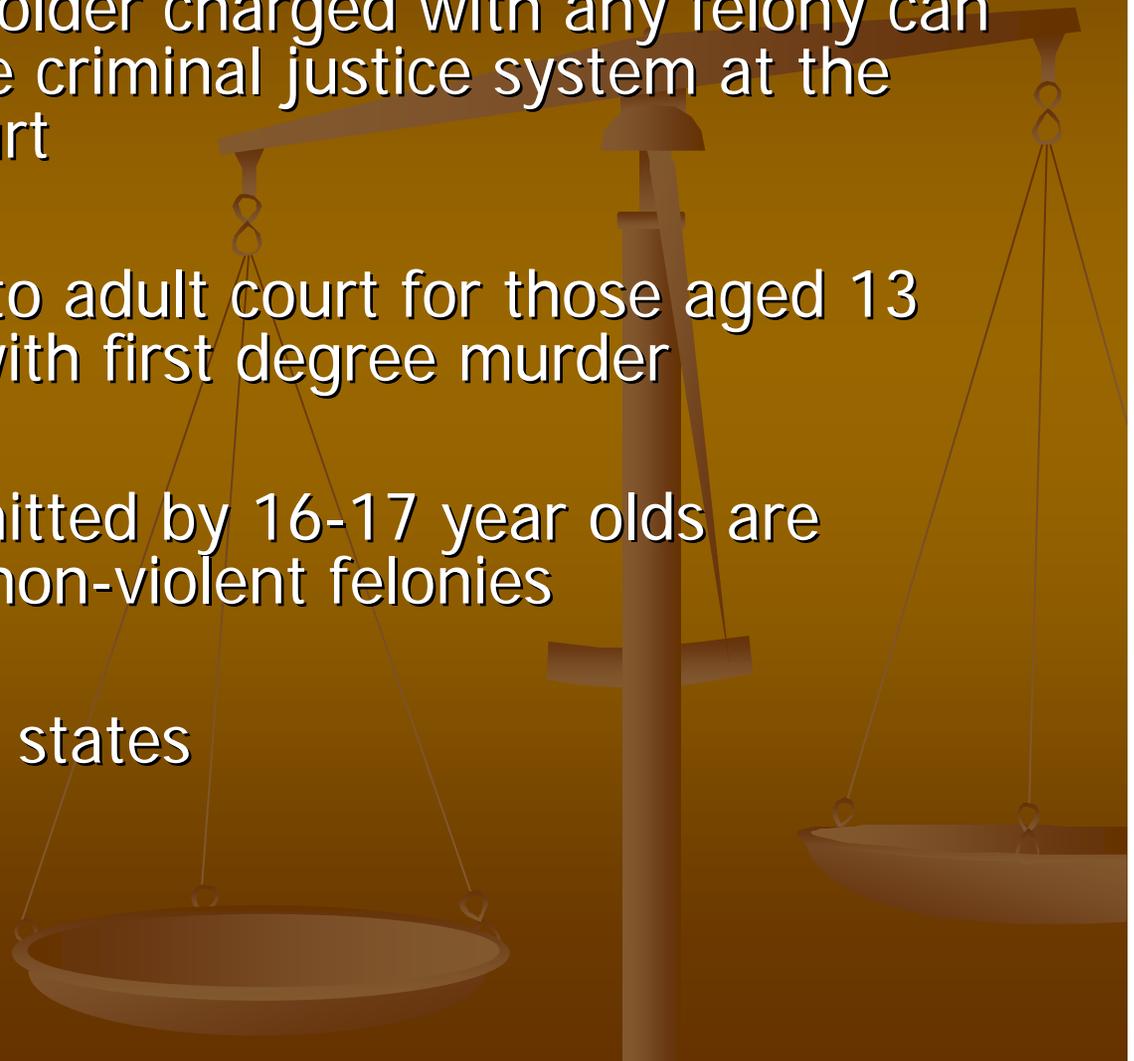


Offense profile of youthful offenders (FY 2007/08)

Offense Class of Conviction	Age at Offense	
	16 to less than 18 years	
	#	%
Felonies		
Class A-E Subtotal	311	2.8
Class F-I Subtotal	1,512	13.5
Felony Subtotal	1,823	16.3
Misdemeanors		
Class A1	462	4.1
Class 1-3 Subtotal	8,887	79.6
Misdemeanor Subtotal	9,349	83.7
TOTAL	11,172	100.0

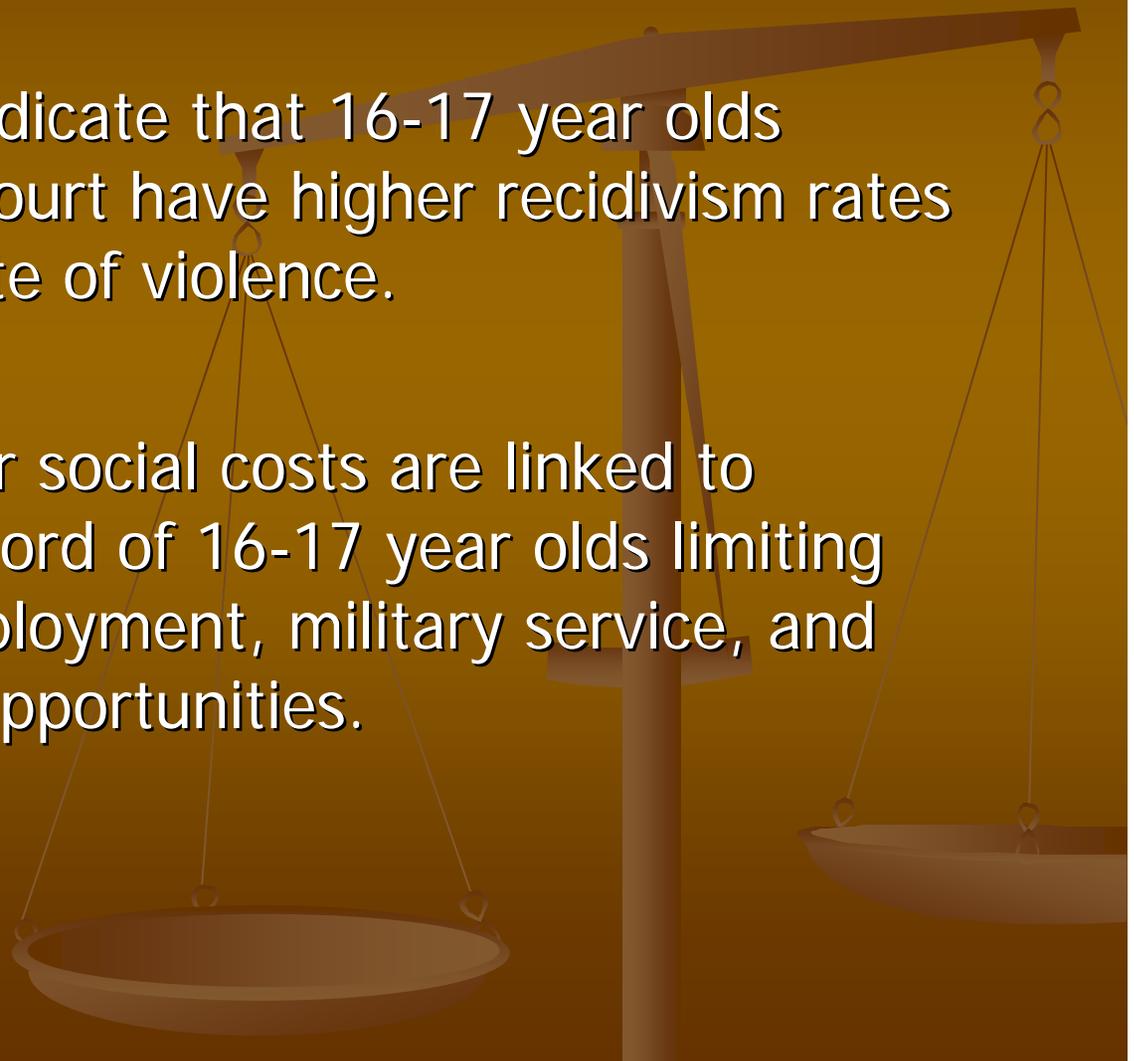
Public safety considerations

- All juveniles 13 and older charged with any felony can be transferred to the criminal justice system at the discretion of the court
- Mandatory transfer to adult court for those aged 13 and older charged with first degree murder
- Most offenses committed by 16-17 year olds are misdemeanors and non-violent felonies
- Evidence from other states



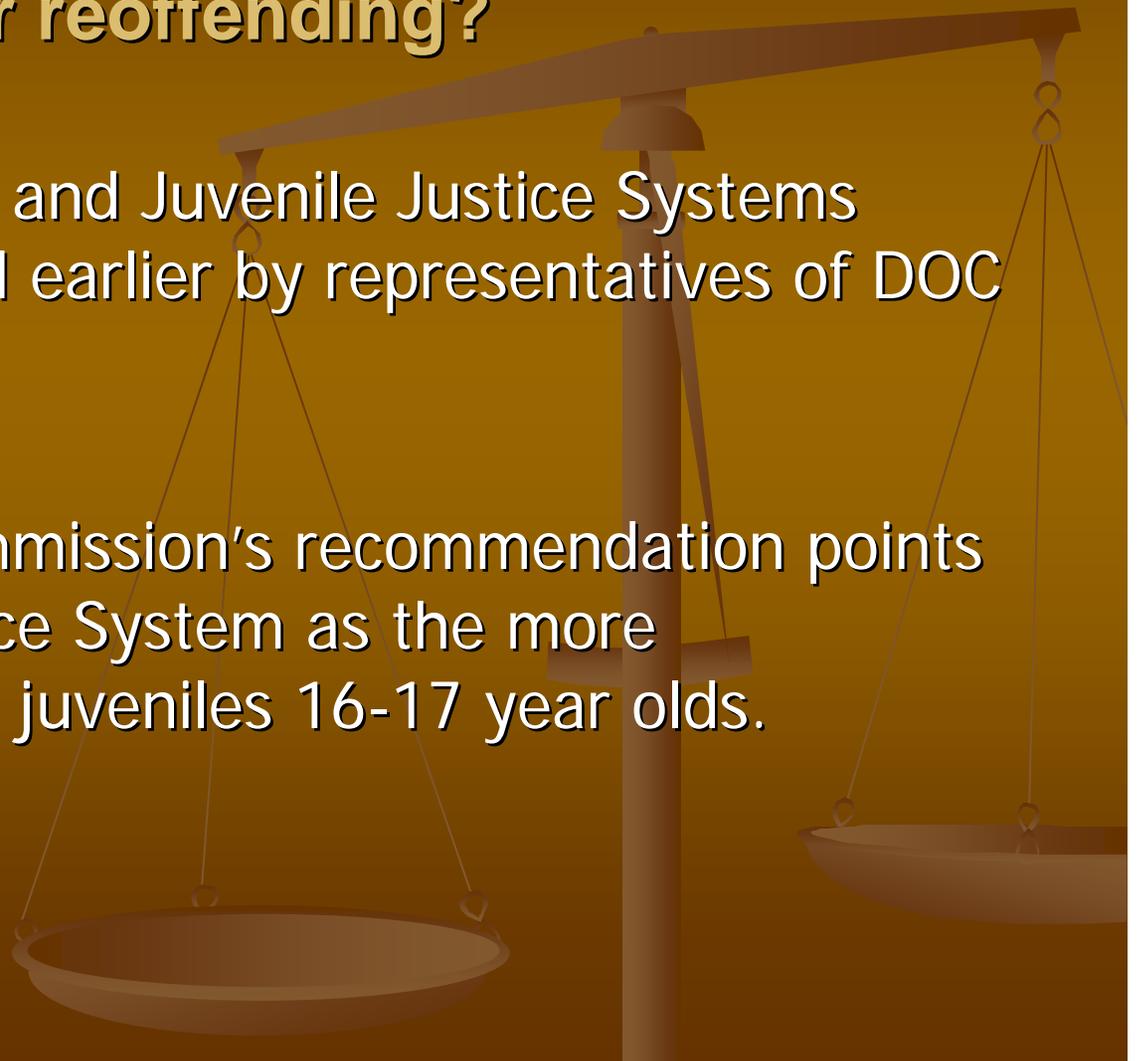
Recidivism and other social costs

- Research findings indicate that 16-17 year olds processed in adult court have higher recidivism rates and an increased rate of violence.
- Recidivism and other social costs are linked to permanent adult record of 16-17 year olds limiting their education, employment, military service, and other non-criminal opportunities.

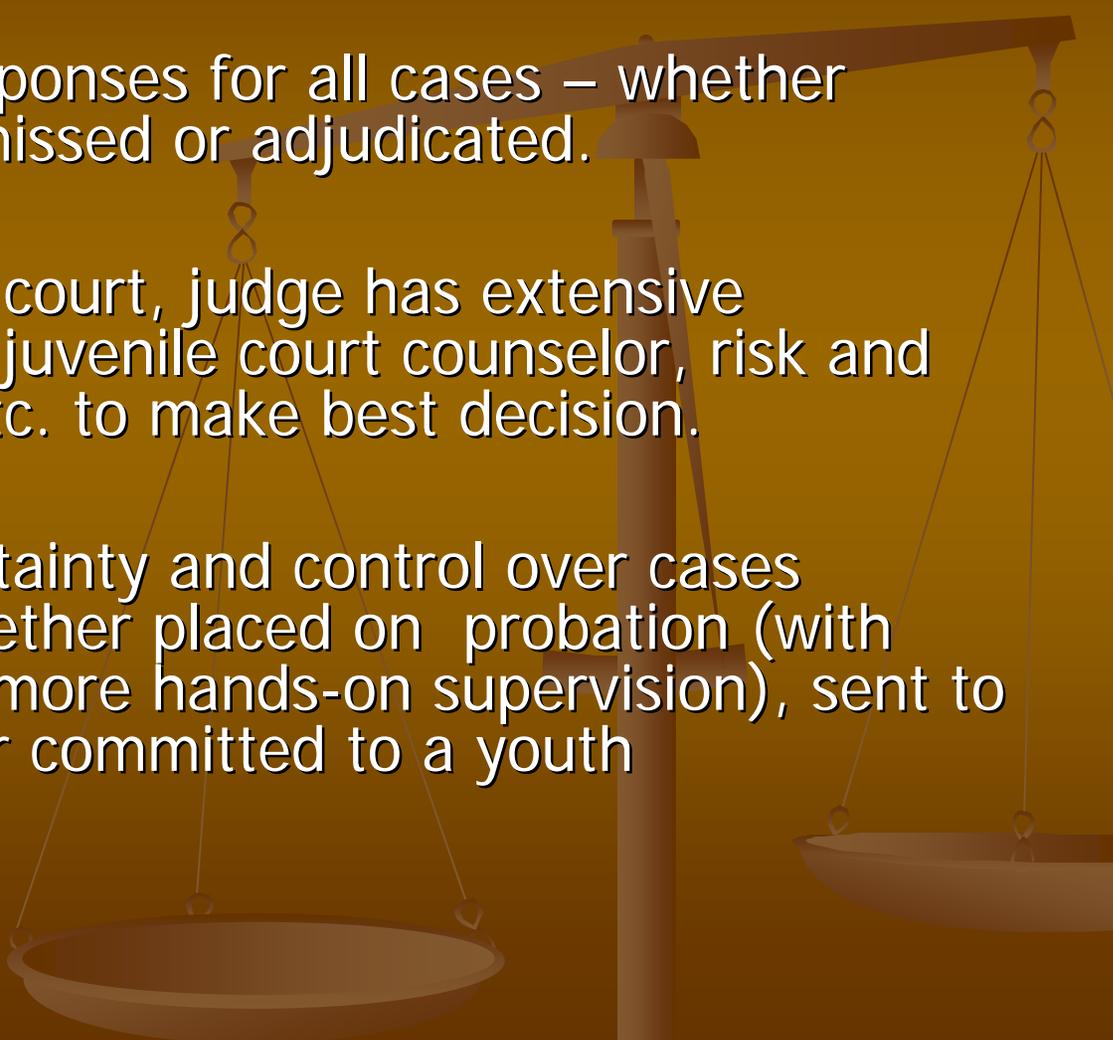


Which system – Juvenile or Adult – would be more appropriate to both serve the needs of 16-17 year olds and protect the public from their reoffending?

- The Criminal Justice and Juvenile Justice Systems have been described earlier by representatives of DOC and DJJDP.
- The Sentencing Commission's recommendation points to the Juvenile Justice System as the more appropriate to serve juveniles 16-17 year olds.

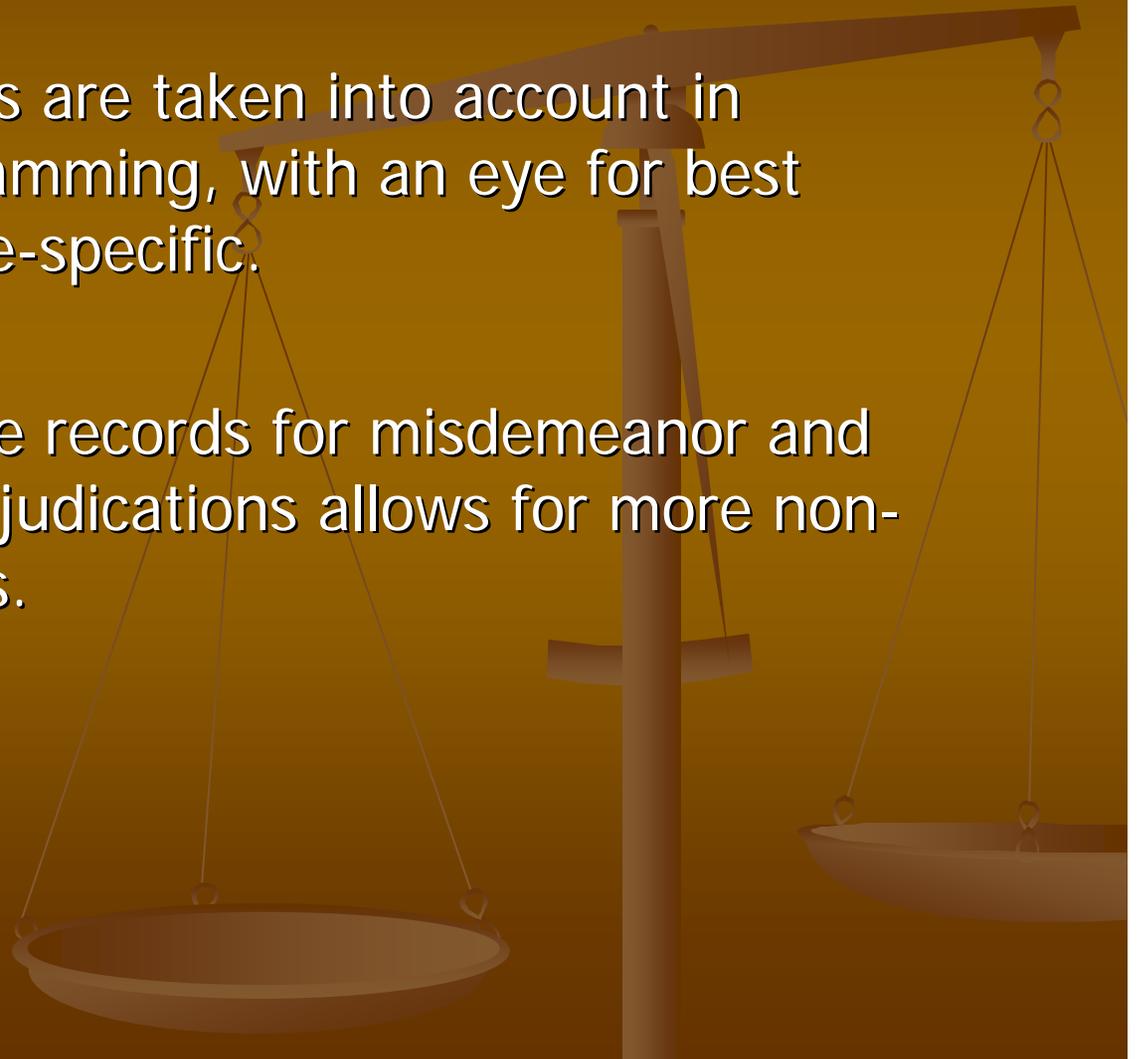


Advantages of the Juvenile Justice System for 16-17 year olds

- There are system responses for all cases – whether closed, diverted, dismissed or adjudicated.
 - For cases referred to court, judge has extensive information from the juvenile court counselor, risk and needs assessment, etc. to make best decision.
 - System has more certainty and control over cases referred to court, whether placed on probation (with lower caseloads and more hands-on supervision), sent to a detention center, or committed to a youth development center.
- 

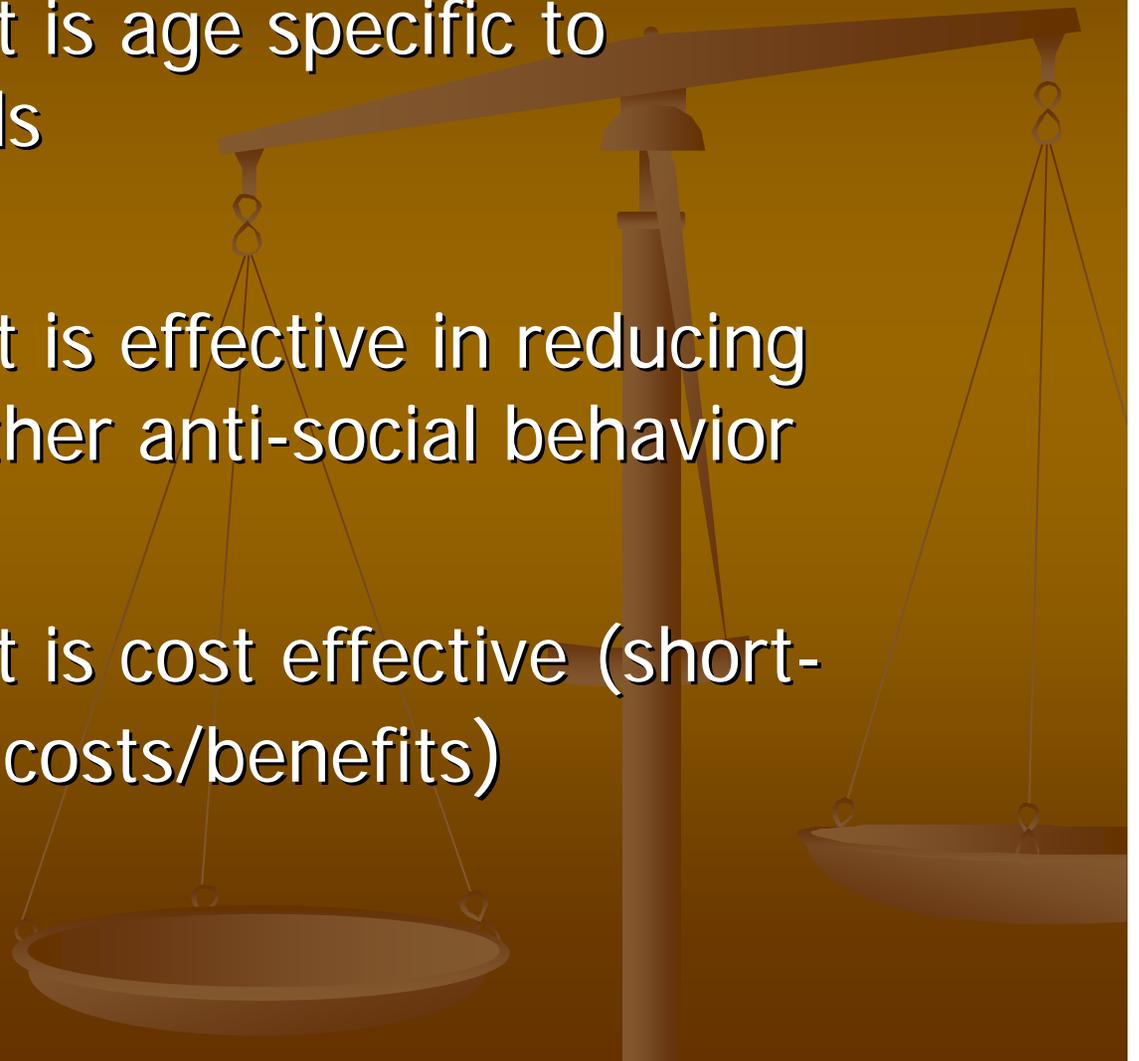
Advantages of the Juvenile Justice System for 16-17 year olds (cont'd)

- Age group differences are taken into account in treatment and programming, with an eye for best practices that are age-specific.
- Expunction of juvenile records for misdemeanor and non-violent felony adjudications allows for more non-criminal opportunities.



What works for juveniles?

- Programming that is age specific to adolescents' needs
- Programming that is effective in reducing delinquent and other anti-social behavior
- Programming that is cost effective (short-versus long-term costs/benefits)



Conclusion

- o **What works for juveniles also enhances public safety and thereby is, ultimately, cost effective.**

