



PUTTING THE JUVENILE BACK IN JUVENILE JUSTICE

Ensuring the safety of our communities is one of the primary responsibilities of government. An equally important goal is for government to foster positive development so the youth of today can become healthy, productive adults tomorrow. These two goals intersect when a teenager commits a crime. North Carolina's policy to send all 16- and 17-year-olds to the adult criminal system fails to make communities safer and fails to help these youth succeed.

This report explores in three parts why transferring youth to the adult criminal system is not working and what can be done about it. First, the report looks at the latest scientific research on adolescent brain development, which shows that teenagers' brains are still developing adult reasoning capabilities and that environmental influences affect this development. Second, the report examines North Carolina and national data that show that transferring youth to the adult criminal system (versus treating them in a juvenile justice system) decreases public safety. Finally, the report puts forward policy recommendations for how North Carolina can bring state criminal law regarding older youth into line with current practices, research and data.

North Carolina is one of only two states where children as young as 16 are automatically tried as adults for *any* crime, regardless of its nature.^a The law that determined this practice was established in 1919 and remains unchanged, despite decades of research showing that adolescents, even in their late teens, do not have the same ability as adults to make sound judgments in complex situations, to control their impulses or to plan effectively.¹ Furthermore, experience shows that youth transferred to the adult criminal system are more likely to commit additional and more violent offenses than youth receiving developmentally appropriate services and treatment in the juvenile system.

The research and data show that as teen brains catch up with the rest of their bodies, most youth, even those who were involved in the juvenile justice system, become mature, law-abiding adults. The time has come for North Carolina to reevaluate state laws in light of the most recent scientific research and data and to take the steps necessary to add 16- and 17-year-olds to the current juvenile system. Only when this is done will North Carolina succeed at improving public safety and fulfilling its obligation to ensure all youth have the chance to become law-abiding, productive adults.

POLICY RECOMMENDATIONS

- ★ Establish a Task Force to develop a road map to raise the age of juvenile jurisdiction from 16 to 18 years.
- ★ Address inadequate funding for local juvenile justice programs.
- ★ Provide research-based services and treatment for all youth in the criminal system.

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a. North Carolina, New York and Connecticut each treat youth 16 years and older as adults. Connecticut passed legislation to end this practice beginning in 2010 and is currently implementing system changes to this end.

**CURRENT STATE OF THE LAW:
YOUTH AGES 16 AND 17 GO THROUGH THE ADULT SYSTEM FOR ANY OFFENSE**

North Carolina and New York are the only two states in the United States in which children as young as 16 are automatically tried as adults for *all* offenses, regardless of the nature of the crime.ⁱ This has been the law in North Carolina since 1919 when the “Juvenile Court Act” was passed.

The laws governing the juvenile justice system have undergone a number of revisions during the past century; however, the age of juvenile delinquency—the age at which youth become adults in the eyes of the criminal justice system in North Carolina—remains 16. This is in stark contrast to most government interactions with children and youth. In most situations, government takes into account the developmental limitations of adolescents and restricts their privileges. In North Carolina, youth younger than 18 are not allowed to vote, join the military, marry without parental consent, purchase cigarettes or obtain a non-provisional driver’s license. However, if a 16- or 17-year-old makes a poor decision that may violate criminal law, he or she is treated as an adult and served through the criminal justice system, regardless of the severity of the crime.

Youth ages 16 and 17 are viewed by North Carolina law as adults for any offense and, therefore, are dealt with by the adult criminal justice system. Unlike the juvenile system, the adult courts are not structured to assess the child’s strengths and needs, involve the child’s family or connect him or her to the rehabilitation services and education needed to turn his or her life around. The 16- and 17-year-olds being charged in adult court are not vastly different than the youth being served in juvenile court; for both age groups, the majority of offenses are for misdemeanors.

Types of offenses that could land a 16- or 17-year-old in the adult system:

- ★ Misdemeanor Class 1-3: disorderly conduct at school, fighting, shoplifting.
- ★ Felony Class F-I/A1 Misdemeanor: stealing, identity fraud, most drug offenses.
- ★ Felony A-E: armed robbery, arson, statutory rape.

While some of these offenses may merit being handled by the adult criminal system, currently *all* are handled by the adult system. The adult system should be reserved for the most serious, chronic and violent offenders.

Just because a juvenile’s case begins in the juvenile system does not mean he or she cannot be transferred to the adult system for severe offenses. In North Carolina, all cases involving youth aged 13 or older which involve felonies can be transferred to the adult court system. For cases in which the charge is first degree murder, the case is *automatically transferred* to adult court upon the court finding probable cause. For cases in which the charge is a lesser felony offense, the case *can be transferred* to adult court at the discretion of the district attorney and the court. The decision to transfer youth for lesser felonies is based upon the protection of the public and the juvenile’s needs.

Even if a child does not serve time in adult prison for these crimes, he or she can still have a criminal record for the rest of their lives, which affects his or her ability to get into college, receive scholarships and serve in the military. If asked, felonies must be reported to potential employers, thus limiting employment opportunities throughout adulthood.

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Scientific research shows that adolescence is a critical time for brain development because teenagers' brains are undergoing enormous changes. These changes represent a time of tremendous potential but also of increased risk. During adolescence, personality traits and behaviors are developing and being reinforced by interactions with others; this provides an opportunity for adults, institutions and others who interact with youth to more effectively teach adolescents appropriate adult behavior. At the same time, research shows that a combination of factors reduces adolescents' ability to make rational decisions about their actions. Due to their developmental stage, teenagers are more likely to be short-sighted, have poor impulse control, be driven by emotions and be susceptible to peer pressure.² These factors all contribute to the poor decision-making that may lead to adolescents becoming involved in the justice system.

Recent work in the field of brain development provides further evidence that while adolescents may resemble adults, neurologically they are not adults. For most of the 20th century, researchers in neurobiology thought the brain had finished growing by puberty; however, research in the last 25 years has shown that this assumption is false.³ Using new technology, scientists have found that the brain undergoes significant neural development, including dramatic changes to its structure and function, during adolescence and that these changes impact the way adolescents process and react to information.⁴

Structural Changes: Use It or Lose It

Research has shown that during adolescence, the brain undergoes explosive structural changes.⁵ Leading up to adolescence, the brain overproduces gray matter (the tissue that does the "thinking"). Gray matter growth indicates an increase in neural connections, the connections between brain cells that facilitate communication. Neural connections are critical for learning; the overproduction of connections is in preparation for a period of intense learning. Between the ages of 6 and 12, gray matter increases tremendously, peaking in early adolescence.⁶ Following this period of growth, there is a period of "use it or lose it" pruning during which the number of connections rapidly decreases in the brain.⁷ Which connections are pruned and which connections are strengthened is highly influenced by environment and experience.⁸ During this phase, the connections in the brain that get the most use are the areas that become most developed; those that go unused may literally wither away.

At the same time gray matter is decreasing, white matter is increasing. White matter insulates nerve cells, making connections stronger and communication faster (making the brain more precise and efficient), much like insulation on electric wires.⁹ Increased and stronger connections help to better integrate the different parts of the brain. During this time the brain is highly elastic and malleable, making adolescence a time of tremendous opportunity if teenagers are exposed to positive experiences, relationships and role models. It also leaves teenagers more vulnerable to negative influences and situations if they are not provided appropriate guidance, a nurturing environment and support.

Functional Changes: Only Time Can Bring Maturity

The transition from childhood to adulthood is marked by a number of changes as individuals move from dependence to independence. Outwardly this is clear from marked changes in behavior and appearance (see text box Page 5). Not surprisingly, the brain functions that give rise to behaviors are changing significantly.

Changes in the adolescent brain take 10 to 12 years and do not occur in all areas of the brain simultaneously. In general, the brain matures region by region with development progressing from the back of the brain to the front. The parts of the

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**THE ADOLESCENT
BRAIN IS A WORK
IN PROGRESS,
CONTINUED**

brain associated with basic functions, such as motor and sensory abilities, mature first, followed by those involved in spatial orientation, speech and language; the last to develop are areas involved in executive function, attention and motor coordination.¹⁰ These changes begin in late childhood, progress rapidly through the teenage years and reach adult dimensions in the early 20s.¹¹

The base of the brain, which controls emotions, motivation and hormones, is one of the first parts to mature. While the rest of the brain is developing, adolescents rely more heavily on this part when reacting to and interpreting situations.¹² During this time, adolescents are more likely to rely on emotions and “gut feelings,” which are often impulsive responses, rather than using a cognitive reasoning process of analyzing the full situation and the consequences of various responses that adults, with fully mature brains, are more likely to use.¹³ Additionally, changes in levels of various chemicals in the brain during adolescence affect the regulation of mood and arousal, creating additional, natural inclinations toward high-intensity feelings.¹⁴ Research has also shown that higher levels of stimulus are needed to elicit excitement in adolescents.¹⁵ These changes factor heavily in how adolescents respond to situations—they are much more likely to respond faster and more emotionally than adults, or even other pre-pubescent teenagers, in similar situations—and contribute to many common adolescent behaviors such as mood swings, increased tendency for conflicts and a proclivity for risk-taking and rule-breaking.¹⁶

PUTTING RESEARCH INTO PRACTICE

During the past century, major advances in the neurological, behavioral and social sciences, have led to advances in understanding child and adolescent development, and many North Carolina laws and practices have changed to reflect this new knowledge. In the field of early child development, advances during the 1980s and early 1990s in brain development research helped spur the early childhood movement in North Carolina and across the nation. This research showed that from conception to age 6, children’s brains were undergoing dramatic changes that could be positively influenced by their environments. Today, North Carolina is a national leader in early child care and development through its More at Four and SmartStart programs.

Brain research, originally focused on young children, has now produced findings on the neurological development of adolescents, and the results are no less striking. Research on adolescent brain development over the past 20 years shows that, while the brain may be almost finished growing by age 6, it continues to undergo dramatic changes in structure and function until the mid-20s. During this time, the development of the adolescent’s brain is similarly open to and influenced by environmental influences as during the early years; in fact, “the developing child remains vulnerable to risks and open to protective influences...into adulthood.”ⁱ The continuous interaction between biology and experience in shaping adolescent development is a window of opportunity for adults and institutions to provide the kind of protective influences that ensure teenagers’ environments and experiences contribute to their movement along positive pathways.

North Carolina’s policymakers, community leaders, practitioners and parents must reevaluate current policies affecting adolescents to ensure they take into account existing scientific knowledge and reflect best practices in dealing with adolescents. In North Carolina, the implementation of the graduated driver’s license program is an example of how policies and practices can incorporate this new research. Under the graduated driver’s license system, 16-year-olds may receive a provisional license with restrictions (number of passengers, presence of a supervising driver after 9 p.m., etc.) that are phased out over six months if the teenager has a good driving record. After the passage of the law in 1997, the combination of age-appropriate privileges and restrictions reduced motor vehicle crashes by 16-year-olds 38 percent (20 percent for 17-year-olds).ⁱⁱ Although reexamining laws and policies in all areas where the state interacts with adolescents is warranted, the opportunities lost and the risks created by sending 16- and 17-year-olds through the adult criminal system makes reevaluating this law urgent.

i. National Research Council and Institute of Medicine. (2000) *From Neurons to Neighborhoods: The Science of Early Childhood Development*. Committee on Integrating the Science of Early Childhood Development. Jack P. Shonkoff and Deborah A. Phillips, eds. Board on Children, Youth, and Families, Commission on Behavioral and Social Sciences and Education. Washington, D.C.: National Academy Press.

ii. Data from the University of North Carolina Highway Safety Research Center, online at: <http://www.hscc.unc.edu>.

ON THE SURFACE, ADOLESCENTS APPEAR TO BE ADULTS

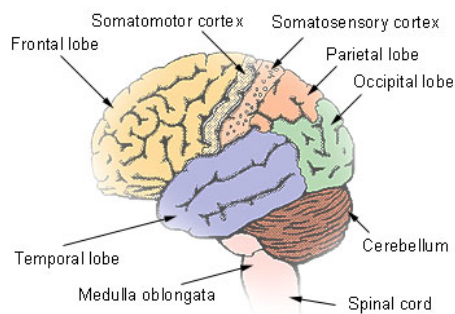
Many adolescents appear on the outside to be fully mature, and in some ways they are. Most youth reach physical maturity long before they reach emotional or developmental maturity. Adolescents typically reach full physical maturity, including pubertal development and increased weight and height, between 15- and 19-years-old.¹ During this time, adolescents are also becoming increasingly adept and coordinated, leading many to discover new-found physical capabilities and talents. While adolescents may appear on the surface to be finished developing, physical maturity hides the many still-developing systems that govern adolescents' behavior.

i. U.S. Department of Health and Human Services, Maternal and Child Health Bureau. "Adolescent Physical Development." Available online at: <http://depts.washington.edu/growth/index.htm>.

The frontal lobe, which controls executive functions such as organizing, planning, strategizing and judgment, is the last region of the brain to develop.¹⁷ This region controls many of the abilities that govern goal-oriented, "rational" decision-making, such as long-term planning, impulse control, insight and judgment. During adolescence, the brain's ability to "plan, adapt to the social environment, and to imagine possible future consequences of action or to appropriately gauge their emotional significance"¹⁸ is still developing. As this region matures, the ability to perform complex thoughts, reasoning and behavioral control increases. These abilities allow greater inhibition of gut responses in favor of more rational decisions.

Many research studies have shown that adolescents exhibit similar levels of intelligence, or the ability to apply logic, in decision-making tasks as adults.¹⁹ When presented with a set of circumstances and a decision to make in a lab, adolescents are fairly similar to adults in terms of what they choose to do. However, research and practical experience show that adolescents are much more influenced by context than adults. In real world situations, peer influences, hormones, emotions and an immature brain impact adolescent decision-making in unique ways that do not show up in a lab setting. This is because the brain functions that underlie decision-making, such as the ability to control impulsive behavior, plan behavior and make sound judgments based on probability, are still maturing.²⁰

During adolescence, the child is transforming into the adult; this research shows that it takes far longer for adolescent brains to fully develop than was previously thought. Adolescents are at a particularly vulnerable stage in life when school becomes more challenging, social relationships more complex and passions run high. Adult behaviors become more accessible to teenagers, but they do not have the frontal cortex ability that helps regulate these behaviors. Adolescents are particularly vulnerable to making the kinds of poor decisions that get them involved in the criminal justice system. Understanding the complex changes that teenagers' brains and bodies are undergoing helps explain why risk taking and risky decisions decrease as they reach their 20s when their brains are more fully mature.²¹



Lobes of the cerebrum

**THE ADOLESCENT
BRAIN IS A WORK
IN PROGRESS,
CONTINUED**

*"I don't think it's right
[to try teens as adults]
because [teens] don't even
have an adult mind at
age 16, so they're not
aware of what they're
doing...If they knew,
they probably wouldn't
do the same thing."
—11-year-old African
American male*

RAISING THE AGE OF DELINQUENCY

In North Carolina, the age of juvenile delinquency, or age at which youth become adults in the eyes of the criminal justice system, is currently 16. This means any offense by a 16- or 17-year-old is handled by the adult criminal system. To move 16- and 17-year-olds out of the adult criminal system and into the juvenile system would require North Carolina to raise the age of delinquency to 18.

THE U.S.
SUPREME COURT
AND BRAIN
DEVELOPMENT

“From a moral standpoint it would be misguided to equate the failings of a minor with the failings of an adult, for a greater possibility exists that a minor’s character deficiencies will be reformed.”

—*Roper v. Simmons*

THE JUVENILE
JUSTICE SYSTEM
IMPROVES
PUBLIC SAFETY

The U.S. Supreme Court and Brain Development

In light of this new evidence about adolescent development, the U.S. Supreme Court, in its 2005 *Roper v. Simmons* decision, outlawed the death penalty for youth younger than 18, recognizing that minors are less culpable, or blameworthy, than adults for their criminal acts because of their developmental stage. The Supreme Court found that:

From a moral standpoint it would be misguided to equate the failings of a minor with the failings of an adult, for a greater possibility exists that a minor’s character deficiencies will be reformed. Indeed the relevance of youth as a mitigating factor derives from the fact that the signature qualities of youth are transient.²²

The court noted many “general differences” between youth under the age of 18 and adults, including their lack of maturity, their vulnerability to peer pressure and negative influences and the likelihood that they can change. Furthermore, the court noted that “society draws the line” at age 18 for many purposes, including that in most states 16- and 17-year-olds could not serve on the juries that would decide if they go to prison. This decision confirms that, regarding juvenile jurisdiction, North Carolina has fallen behind the vast majority of the states as well as the scientific research.

Automatically transferring juveniles to the adult criminal system neither protects the public nor deters youth from committing further crimes. The North Carolina Sentencing Commission and the Department of Corrections found state data indicate that youth who serve adult time are more than twice as likely to be reconvicted of crimes as youth who receive juvenile services.²³ In addition, juveniles serving time in adult prison had the highest rate of rearrest and reconviction of all youthful offenders.²⁴

Rigorous studies done around the country confirm the North Carolina data. Following a thorough survey of current research, the Center for Disease Control and Prevention (CDC)’s Task Force on Community Preventive Services found that “transferred juveniles were approximately 33.7 percent more likely to be rearrested for a violent or other crime than were juveniles retained in the juvenile justice system.”²⁵ The research was so convincing that the CDC’s Task Force concluded that “transferring juveniles to the adult justice system is counterproductive as a strategy for deterring subsequent violence.”²⁶

North Carolina’s blanket policy to send all 16- and 17-year-olds to the adult system does not take into account that most youthful offenders are not charged with serious felonies. In 2005, approximately 11,000 youth ages 16 and 17 were convicted of crimes in the adult system; fewer than 14 percent (1,475) were for felonies and only 4 percent (421) of those felonies were against a person.²⁷

If a 16- or 17-year-old is sentenced to serve time in prison, he or she is housed with adult criminals. Given the malleability of the adolescent brain, susceptibility to peer pressure, lack of experience and lower staff-to-inmate ratios, youth in adult prisons are much more susceptible to negative influences and more vulnerable to sexual exploitation and physical assault.²⁸ This is not the appropriate environment for guiding a young person toward a productive pathway in life.

Youth who commit serious offenses may need to be separated from the community in

order to protect the public and may require long-term incarceration. Raising the age of delinquency would not prevent this from happening. However, 16- and 17-year-olds sentenced to incarceration would be sent to Youth Development Centers, where services and treatment are required, instead of to adult prisons. Some teenagers could be transferred to the adult system at the discretion of the judge.^b

It is important for juvenile offenders to understand there are consequences to their actions, including punishment. To ensure lessons are learned and inappropriate behavior is addressed, however, teenage crimes must be handled by a system that is developmentally appropriate.

Providing A Developmentally Appropriate System

North Carolina's juvenile justice system has been structured to provide developmentally appropriate assessment, treatment and services and punishment for youth. In contrast to the adult system, the juvenile system notifies the child's parent or guardian of the child's detainment and the child is not questioned, adjudicated or released without the presence of a parent or guardian. The strong focus on involving the families of youth in the juvenile justice system allows, and may even require, caretakers to help the child understand his or her legal situation and meet the requirements of his or her sentence.

North Carolina's juvenile justice system also emphasizes age-appropriate risk assessment, treatment and rehabilitation of the youth. This approach is more closely in line with research-based successful practices and is more likely to lead to improvement in the child's life and prevention of future delinquency. Adjudicated youth are required to complete high school or get their GED and must report frequently for services or treatment. The youth and their families can receive a number of services aimed at helping them develop social and coping skills with the intent of preventing future delinquent behavior. Services may be voluntary or court-ordered and can include counseling, training, mentoring, tutoring and guided growth programs.²⁹ Many of the youth involved in the juvenile system have mental health needs (74 percent) and substance abuse problems (42 percent) and can receive intensive psychological services or substance abuse treatment.³⁰ Additionally, these youth may come from troubled families. The juvenile court system can require parents to receive counseling and parenting training.

As noted earlier, data show that the focus on rehabilitation in the juvenile justice system works: adolescents served by the juvenile system are significantly less likely to be rearrested, reconvicted, reincarcerated or placed on probation than youth who were served by the adult court.³¹ The adult system is not equipped to provide treatment intended to meet the specific needs of youthful offenders. While some treatment and educational programs are available, they are not offered in all adult facilities housing youth or to youthful offenders on probation. Sending adolescents through the adult system forgoes the opportunity to help them become productive adults. Citing many of the findings discussed in this report, the North Carolina Sentencing and Policy Advisory Commission recommended in March 2007 that the state "increase the age of juvenile jurisdiction to persons who, at the time they commit a crime or infraction, are under the age of 18."³²

Making Room for All Juveniles in the Juvenile Justice System

Given the scientific findings on adolescent brain development and the better outcomes of involvement with the juvenile justice system, North Carolina should take the advice of the North Carolina Sentencing and Policy Advisory Commission and begin to move toward serving all juveniles in the juvenile justice system. Determining that public safety is increased by raising the age of juvenile court

THE JUVENILE
JUSTICE SYSTEM
IMPROVES
PUBLIC SAFETY,
CONTINUED

"Adolescents served by the juvenile system are significantly less likely to be rearrested, reconvicted, reincarcerated or placed on probation than youth who were served by the adult court."

b. Under current North Carolina law, any juvenile aged 13 or older alleged to have committed a felony can be transferred to the adult system.

WHAT ARE THE DIFFERENCES BETWEEN THE JUVENILE AND ADULT SYSTEMS?

Scenario: Two students are involved in a fight at school. The two students are immediately removed from school.

- ★ Sixteen year-old Michelle is arrested, placed in jail and later released on her promise to appear at her court date; her parents are never notified. At her trial, Michelle is given unsupervised probation with no further requirements. She has a misdemeanor on her *permanent* criminal record.
- ★ Fifteen year-old Tara is also arrested, but she is sent to the county youth detention center and her parents are notified. Tara is released from detention only after a juvenile court hearing where the court determines that her parents can provide adequate supervision. Tara is adjudicated delinquent, not convicted, and the court gives her six months' supervised probation under the conditions that she behave in school and meet the requirements of court supervision. Probation requires that Tara undergo substance abuse and anger management assessments and counseling. Her parents are mandated to ensure that Tara meet the conditions put forth by the judge. Tara meets the conditions of her probation and her juvenile record is sealed.

THE JUVENILE JUSTICE SYSTEM IMPROVES PUBLIC SAFETY, CONTINUED

jurisdiction from age 16 to 18, however, does not describe the steps to make this a reality. Serving all juveniles in the juvenile system will increase the need for services and treatment at all points of the system. In order to raise the age, there must be additional analysis of the legal, systemic and funding changes required. It would be counterproductive to move 16- and 17-year-olds in the adult system into the juvenile system if the juvenile justice system is not adequately prepared to receive them.

Therefore, it is essential that a multi-disciplinary task force plan the specific steps required to incorporate 16- and 17-year-olds into the juvenile justice system. The plan must work toward the goal of fostering positive youth development in order to enhance public safety. In turn, this will have the long term effect of providing a more cost-effective approach to service delivery. This approach is doable; in fact, Connecticut is currently implementing a well-defined, five-step plan for expanding their juvenile system to include 16- and 17-years-olds. In 2006, the Connecticut legislature created a Juvenile Jurisdiction Planning and Implementation Committee to create a plan for raising the age of juvenile jurisdiction. The Committee recommended: 1) passing a law to raise the age of juvenile jurisdiction from 16 to 18; 2) expanding and improving court diversion and pre-trial detention; 3) establishing regional youth courts; 4) phasing in services and supports for 16- and 17-year-olds and 5) establishing a policy and operations coordinating council to ensure this process is successfully implemented before the effective date of the jurisdictional change.³³ The committee contracted with research analysts to assess the needs of the courts and to quantify the requirements for the state to successfully transition older youth from the adult to the juvenile justice system. In 2007, the Connecticut legislature passed legislation to raise the age of juvenile jurisdiction from 16 to 18 by 2010. They are now implementing the other four steps. This is a model North Carolina could adapt to our state's needs.

Providing Positive Pathways for Development

In order to be cost-effective and successful in preventing future delinquency, North Carolina's juvenile justice system must focus limited resources on well-researched programs proven to achieve successful outcomes. The U.S. Office of Juvenile Justice and Delinquency Prevention's Model Programs Guide (<http://ojjdp.ncjrs.org/programs/mpg.html>) provides information on 175 scientifically-tested programs proven to be effective at reducing adolescent violence, aggression, delinquency and substance abuse.

Substantial planning, evaluation and technical assistance is required to successfully implement research-based programs so they achieve the desired result of reducing delinquent behavior. While North Carolina's statutory language creates a juvenile

system that is intended to support and monitor research-based programs at the local level, the reality is that it is inadequately funded and staffed to do so on a broad basis. Some service providers have implemented research-based programs, but inadequate funding and infrastructure are becoming insurmountable hurdles and are preventing evaluated programs from going statewide. To ensure cost-effective programs, more must be done to build a supportive infrastructure.

In addition, state funding for community services has not kept up with demand or inflation. After two years of ramping up the new juvenile system following reforms in 1998 and 1999, funding has been flat. In 2006, funds were cut and have not been restored.

Funding for Local Programs ¹							
	2000	2001	2002	2003	2004	2005	2006
Local Program Admissions	16,255	22,395	23,354	21,957	25,318	25,000	24,617
State Funds Appropriated for Local Programs (in millions)	\$18.6	\$18.6	\$23.3	\$22.6	\$23.1	\$23.2	\$22.6

1. Local programs are funded through the Juvenile Crime Prevention Councils in each county
 Note: Admissions data are for the calendar year. State funding data are for the state fiscal year ending in the year given. Appropriated funds do not include JCPC Demonstration Project funding.
 Source: Special request to the Department of Juvenile Justice and Delinquency Prevention, November 2007.

Furthermore, during the 2007 legislative session, legislators converted funding for local juvenile services from recurring, or ongoing, to one-time or non-recurring monies. This means that funding is not guaranteed from one year to the next, which is impractical given the ongoing nature of the need and continuity essential for the services provided. Funding challenges must be addressed before the system can successfully incorporate and treat older youth.

New research and data make it clear that our juvenile justice system is the right place to serve juveniles, reserving adult courts for the most serious, chronic and violent offenders. The juvenile system provides age-appropriate adjudication, services, treatment and punishment while giving youth time to grow up and mature.

- ★ **Establish a Task Force to develop a road map to raise the age of juvenile jurisdiction from 16 to 18 years.** It is time for North Carolina to align its juvenile jurisdiction policy with the accepted science on adolescent development and the law of the majority of states. The Task Force must:
 - Be multi-disciplinary and represent service providers, parents and youth;
 - Conduct a detailed analysis of the legal, systemic, organizational and funding requirements to raise the age;
 - Be adequately funded to employ the necessary staff and contractors to help prepare the road map;
 - Outline steps to implement programming that prevents juvenile delinquency and thereby enhances public safety; and
 - Identify a date for phasing 16- and 17-year-old youth into the juvenile justice system.

- ★ **Address inadequate funding for local juvenile justice programs.** About 23,000 youth annually receive locally-provided juvenile services. Underfunding these services does not increase state knowledge about their effectiveness. It merely puts programs at risk.
 - Allocate recurring funding for community juvenile justice programs and services;

THE JUVENILE JUSTICE SYSTEM IMPROVES PUBLIC SAFETY, CONTINUED

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POLICY RECOMMENDATIONS

POLICY
RECOMMENDATIONS,
CONTINUED

- Increase funding to reflect higher demand for services; and
- Conduct meaningful evaluation of juvenile programs and services rather than underfunding them.

★ **Provide research-based services and treatment for all youth in the criminal system.**

- Create and fund an infrastructure to conduct the planning, evaluation, staff training and technical assistance needed to support local research-based programs; and
- Provide research-based programming to youthful offenders whether they are in the adult or juvenile system.

CONCLUSION

Research over the past 25 years provides concrete evidence that adolescents' brains are still developing. During adolescence, teenage brains are primed for gathering the skills and experiences that help mold the adults they will become. It is a time of tremendous opportunity and increased risk. Teenagers are in the process of developing adult reasoning capabilities and, as they age, are less likely to make the kinds of poor decisions that get them involved in the justice system. During this time, adults must intentionally work to teach appropriate behaviors and provide positive learning environments to ensure that all youth have the types of experiences that will keep them on a productive and developmentally appropriate path.

In addition to research on brain development, national and state data have shown that sending youth through the juvenile justice system improves public safety while increasing the likelihood that youth will go on to be productive, crime-free adults. North Carolina law does not incorporate this knowledge into its treatment of 16- and 17-year-olds in the criminal justice system. Instead, the state's laws codifying who is treated as a juvenile and who as an adult by the justice system are based on practices almost 100 years old. The time has come for North Carolina to reevaluate state laws in light of the most recent scientific research and to make room for 16- and 17- year-olds in the juvenile justice system. Doing so will improve public safety and ensure that our justice system prepares all youth to return to our communities as productive, law-abiding adults.

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2. MacArthur Foundation Research Network on Adolescent Development and Juvenile Justice. "Issue Brief 3: Less Guilty by Reason of Adolescence." Available online at: http://www.adjj.org/downloads/6093issue_brief_3.pdf.
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DATA SOURCES

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