



Center for
Juvenile
Justice
Reform

The Case to Raise the Age in North Carolina

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Children Are Children

- The juvenile justice system was created in recognition that children and adolescents were different than adults.
 - Less mature
 - More malleable to intervention
 - More vulnerable to corrupting influences
- Neuroscience has confirmed what child advocates and juvenile justice experts have intuitively believed.

Children Are Children

- Much is still developing in the adolescent brain during the late teens including:
 - Self control over emotions and behavior
 - Planning
 - Problem-solving under conditions of high emotion
 - Decision-making

The Consequences of Trying Youth as Adults

- 60% of youth who are referred to the juvenile court for the first time will not return. 40% of those youth who have been referred twice will not return a third time.
- A growing body of research indicates that being prosecuted in the adult criminal justice system results in youth being more likely to:
 - Recidivate more quickly, more often and for more serious offenses
 - Have collateral consequences
- There is also a body of research that juvenile offenders are more successfully rehabilitated through the use of small, developmentally appropriate programs and facilities.

Source: *Juvenile Offenders and Victims: 2006 National Report* by Howard N. Snyder and Melissa Sickmund and *North Carolina, Juvenile Court Jurisdiction, and the Resistance to Reform* by Tamar R. Birckhead,



The Problem with Gangs

- Studies suggest that delinquency related to gang involvement, while problematic, is not long-term.
 - In one study, though gang members were only 30 percent of the studied population, they were involved in 63 percent of all delinquent acts (excluding gang fights), 82 percent of serious delinquencies, 70 percent of drug sales, and 54 percent of all arrests.
 - Half of the male gang members reported being in a gang for 1 year or less, and only 7 percent reported being a gang member for all 4 years.
 - Gang members had higher rates of delinquency only during the period of membership, not before or after that period. This pattern is observed for various offenses, particularly violence, drug sales, and illegal gun ownership and use.
- Implications for Prosecution: A Comprehensive Strategy

Treating Youth as Adults

- 16 and 17 year olds in the adult system do not help public safety
 - Kupchik, Fagan and Leiberman (2004) compared 15 and 16 year-olds from NJ and NY for 1st degree robbery, 1st degree burglary, and aggravated assault.
 - Youth in the adult system were twice as likely to be arrested for a violent crime
 - Re-offended more quickly
 - Highest re-offending was for first-time offenders and those with no prior treatment in juvenile justice system



Treating Youth as Adults

•Lanza-Kaduce, Frazier, Bishop and Lane matched youth tried in the juvenile and adult system in Florida on:

- Primary offense
- Number of counts
- Number of prior referrals
- Most serious prior offense
- Age, sex, race
- Arrest charge
- Intervening legal problems during processing
- Weapon use
- Victim injury
- Property damage/loss
- Gang involvement
- Adult co-defendants
- Mitigating and aggravating circumstances



Lanza-Kaduce et al. Findings

- Lanza-Kaduce et al. found that:
 - 50% of those in the adult system were rearrested for a felony, compared to 37% of those in the juvenile system
 - Those in the adult system were significantly more likely to be rearrested for a violent felony crime (23% v. 14%)
- Any public safety gains that are achieved by trying youth as adults, including any periods of incarceration, are offset when looking at more long-term recidivism rates.

The Missouri Model

- Hallmarks of Missouri's approach include:
 - The opening of nearly three dozen residential programs, most of which enroll fewer than 35 offenders. Nearly all the youths live within 50 miles of home, so parents can participate in therapy.
 - A wide range of programs so that violent offenders are kept separate from those guilty of less serious crimes.
 - Numerous day-treatment centers to help recent inmates make the transition to life outside.



The Missouri Model

- Comparing recidivism rates with jurisdictions that count recidivism in a similar way show how effective Missouri has been.
 - Missouri FY 2008: 9.6%
 - Florida: 29%
 - Maryland: 30%
 - Louisiana: 45%



What Does It Mean?

- In the past three years, Connecticut, Illinois, Missouri, New Hampshire, New York, North Carolina and Wisconsin have introduced legislation to raise the age of juvenile jurisdiction.
 - In 2008, the Wisconsin Legislative Audit Bureau completed a review of the current state of the juvenile justice system after the introduction of a bill to raise juvenile jurisdiction to include 17 year olds
 - In 2008, Connecticut successfully passed legislation which raised the age of juvenile jurisdiction to include 16 and 17 year olds

An Example: Wisconsin

- The State Auditor reported that:
 - In approximately two-thirds of cases filed against 17-year-olds in 2006, the most serious charge was a misdemeanor.
 - 17 year olds had the highest reincarceration rates (48.1%) when compared to adults (21.3%) and juveniles at 2- and 4-year intervals (18.2 and 26.6%, respectively).
 - Assuming similar patterns of offending and placement rates were similar for 16 and 17 year olds, the initial cost of returning 17 year olds to the juvenile justice system would be between \$53.5 million and \$82.4 million.

An Example: Wisconsin

- However, the report mentioned (but did not quantify) cost savings in the form of:
 - More extensive use of the Serious Juvenile Offender Program
 - Cost-savings in the adult correctional system
 - Costs associated with supervision of offenders on Department of Corrections probation
- The report did not include a cost-benefit analysis

An Example: Connecticut

- Connecticut Raise the Age Initiative
 - Passed in 2007, Connecticut is on track to raise the age of juvenile jurisdiction to 18 on January 1, 2010.
 - Though estimates of costs vary from between \$75-\$100 million to implement, assuming no new juvenile detention construction, moving 16- and 17-year olds into the juvenile justice system will return about \$3 in benefit for every \$1 in cost.

How Do You Offset the Costs?

- Increased costs in one area can mean cost savings in another.
 - Decreased costs for the adult criminal justice system
- An opportunity to create a juvenile justice system that appropriately treats youthful offenders
 - Alternatives to detention using validated risk assessment instruments as well as diversions
 - Evidence-Based Programs that keep youth out of institutions

Alternatives to Detention and Diversion

- There is a plethora of research and jurisdictions that have shown that alternatives to detention and diversion programs are an effective investment of resources.
- Well-known initiatives include:
 - JDAI-Annie E. Casey Foundation
 - Models for Change-MacArthur Foundation
- Successful jurisdictions using alternatives to detentions include:
 - Santa Cruz, CA
 - Multnomah County, OR
- Successful jurisdictions utilizing creative alternative diversion programs include:
 - Miami-Dade County, FL

Evidence-Based Programs

Building a System of Graduated Sanctions

| <u>Penal System</u> | <u>Evidence-Based Programs</u> |
|--|--|
| <ul style="list-style-type: none"> • \$27,600-Annual cost of incarcerate an inmate in an adult prison • \$74,100-Annual cost to incarcerate a juvenile in a juvenile institution | <ul style="list-style-type: none"> • \$1,825-Participant Cost of Adolescent Diversion Project <ul style="list-style-type: none"> • \$13.54 return for every \$1 invested • \$2,197-Participant Cost Functional Family Therapy <ul style="list-style-type: none"> • \$13.25 return for every \$1 invested |