The Right Thing for Juveniles

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CHAPEL HILL - North Carolina is the only state that treats all 16- and 17-year-olds as adults when they're charged with criminal offenses and denies them the ability to appeal to be returned to the juvenile justice system.

Two other states -- Connecticut and New York -- also end juvenile court jurisdiction at age 16. But Connecticut is raising the age to 18 next year, and New York law significantly lessens the otherwise harsh impact of adult prosecution on offenders younger than 21.

North Carolina has been in the minority on this issue since the 1940s. Then, it was one of only four states with 16 as the upper age limit of juvenile court jurisdiction. Our state is also at variance with the American Bar Association, which recommends 18 as the upper age limit.

A clear majority of the public, in one national poll, believes that putting offenders under 18 in adult correctional facilities makes them more likely to commit future crime, that the decision to try minors in adult courts should be made on a case-by-case basis and that spending on rehabilitative services and treatment for youth, rather than incarcerating them with adults, ultimately saves tax dollars.

Given the near unanimity on this issue, it's not surprising that advocates have advanced compelling arguments for raising the age of juvenile court jurisdiction in North Carolina.

One is that the collateral consequences of a criminal conviction can be severe, with studies documenting that 16- and 17-year-olds with criminal records encounter significant barriers to employment and higher education.

Research shows that a less punitive approach to youth crime lowers recidivism rates and better protects public safety. Providing intensive probationary supervision and rehabilitation to young offenders, rather than incarcerating them with adults, is consistent with recent findings in the areas of brain development and adolescent psychology.

Equally important, North Carolina already allows juveniles as young as 13 who are charged with felonies to be transferred to Superior Court for trial and sentencing as adults. So raising the age of juvenile court jurisdiction to 18 would have no effect on the state's ability to prosecute violent young offenders in adult court.
Further, more than 85 percent of offenses committed by 16- and 17-year-olds are misdemeanors. These offenses that are more appropriately handled in the juvenile justice system.

NONETHELESS, RESISTANCE TO RAISING THE AGE OF JUVENILE COURT JURISDICTION HAS BEEN STEADFAST. While advocates and policymakers have long understood that juvenile court should include offenders under 18, reforms have consistently been defeated -- from 1919 to the present.

Why? Research suggests that the main stumbling block is the self-perpetuating claim by opponents that an already underfunded juvenile justice system should not be expanded.

A dynamic has developed: the system's financial plight, and the significant costs of expansion, repeatedly have been used to justify opposition to proposals to raise the jurisdictional age. At the same time, legislators have been unwilling to allocate sufficient funding for the current system, lacking the political will to fully fund a system that provides comprehensive resources and services for at-risk children -- whatever the age demographic.

Why should opponents of raising the age agree to negotiate or compromise when they have succeeded for decades in perpetuating the status quo? Similarly, why should politicians and lawmakers work toward comprehensive reform when troubled children are clearly at the "bottom of the budget food chain"?

A large part of the answer, confirmed by empirical studies on recidivism rates (among other indicators), lies in the long-term cost savings for North Carolina in an era of budget shortfalls, prison overcrowding and failed criminal justice policies.

The rest of the answer is perhaps best expressed by raise-the-age advocates in Connecticut, who have asserted, "The time has come for [the state] to recognize in law what it knows to be morally right."

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