

JUVENILE DETENTION POPULATION PROJECTIONS 16- AND 17-YEAR-OLDS HELD AT COMPLAINT OR HELD FOR TRANSFER: FISCAL YEAR 2019 TO FISCAL YEAR 2023

Introduction

In 2017, the North Carolina General Assembly passed the Juvenile Justice Reinvestment Act (JJRA).¹ The JJRA increases the age of juvenile jurisdiction so that most 16- and 17-year-olds facing criminal charges may have their cases disposed through the juvenile justice system rather than the adult criminal justice system. The changes to the juvenile justice system with the JJRA are expected to impact the juvenile detention population.

Juvenile detention centers are secure facilities that temporarily house youth at various stages during the juvenile justice system process. Juveniles may be placed in detention following a felony or misdemeanor complaint if it has been demonstrated that the juvenile poses a danger to him/herself or others or if there is reasonable cause to believe the juvenile will not appear in court. Juveniles may also be held in detention pending a dispositional hearing or until another placement can be found either in a community-based program or service or in a youth development center (YDC) following a delinquent adjudication.²

Juvenile detention population projections, prepared in conjunction with the North Carolina Department of Public Safety's Division of Adult Correction and Juvenile Justice (DACJJ), were completed for two groups of 16- and 17-year-olds affected by the JJRA – those held in detention at complaint (Class H-I felonies and Class A1-3 misdemeanors) and those held in detention for transfer and/or until 18 years of age (Class A-G felonies). Youth detained for other reasons (e.g., intermittent confinement, adjudicated delinquent awaiting placement) were not included in the projections.

Juvenile Detention Population Projections

The changes to the juvenile justice system with the JJRA are expected to have an impact on the detention population. Raising the age of juvenile jurisdiction will increase the number of youth in the juvenile justice system by adding a new population of 16- and 17-year-olds and by extending the number of years available for youth to be under the jurisdiction of the system. Empirical information on these changes will not be available until the JJRA is implemented and complaints are processed under the new law.

Two populations were projected – the population of 16- to 17-year-olds who will be held at complaint for Class H-I felonies and Class A1-3 misdemeanors and the population of 16- and 17-year-olds with

¹ North Carolina Session Law (hereinafter S.L.) 2017-57, s. 16D.4. Additional information can be found at: http://www.nccourts.org/News/Documents/JuvenileReinvestmentFactSheet_05012017.pdf.

² Examples of additional detention admission reasons include absconding, failure to appear, contempt, violating conditions of probation or post-release supervision (PRS), or periods of intermittent confinement as a more restrictive Level I or Level II disposition.

Class A-G felonies held for transfer into the adult criminal justice system. The data used to project the juvenile detention population relied on empirical information provided by DACJJ and the Administrative Office of the Courts (AOC). AOC provided FY 2016 data on charges filed for 16- and 17-year-olds to be used as the base for the projections, while DACJJ provided data on juvenile justice processes to inform the assumptions used for the projections.

For the transfer population, two scenarios were developed. Scenario 1 estimated the population assuming juveniles will be held until the charges are disposed in the adult criminal justice system. Scenario 2 estimated the population based on the assumption that juveniles will be held until either their charges are disposed in the adult criminal justice system or they turn 18 years old (whichever comes first).

Table 1 shows the projected detention population for 16- and 17-year-olds (those held at complaint and for transfer) over the five-year projection period. The extension of juvenile jurisdiction occurs during the second year of the projection period (FY 2020). Resource needs are expected to increase over the five-year period from an average projected population of 164 in FY 2020 to 297 in FY 2023 (Scenario 1). Resource needs are lower for Scenario 2 with a projected population of 121 in FY 2020 and 217 in FY 2023. Again, it is important to note these figures do not account for any juveniles under the age of 16, nor do they include 16- and 17-year-olds who might be admitted to detention for other reasons (e.g., intermittent confinement, pending placement).

Table 1
Detention Population Projections for 16- and 17-Year-Olds
Held at Complaint and Held for Transfer until Disposition and/or 18-Years³

Fiscal Year End	Detention Population as of June 30				
	Held at Complaint Class H-I Felonies, Class A1-3 Misdemeanors	Held for Transfer Class A-G Felonies		Total Detention Projection	
		Scenario 1 ⁴	Scenario 2 ⁵	Scenario 1	Scenario 2
2019	n/a	n/a	n/a	n/a	n/a
2020	35	129	86	164	121
2021	60	226	151	286	211
2022	61	230	153	291	214
2023	62	235	155	297	217

Note: Prepared in conjunction with the North Carolina Department of Public Safety's Division of Adult Correction and Juvenile Justice.

SOURCES: NC Department of Public Safety, Division of Adult Correction and Juvenile Justice; FY 2016 AOC Charge Data (analyzed by the North Carolina Sentencing and Policy Advisory Commission)

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³ Youth detained for other reasons (e.g., intermittent confinement, adjudicated delinquent awaiting placement) were not included in the projections.

⁴ Scenario 1 is based on juveniles held in detention until disposition.

⁵ Scenario 2 is based on juvenile held in detention until their 18th birthday. If juveniles are disposed prior to their 18th birthday, their 'held until 18' length of stay is replaced with their 'held until disposition' length of stay.

Assumptions

The projections are based on the following assumptions that were determined using empirical data from FY 2016:⁶

- *Growth Rates:* The projections assume no growth in delinquent dispositions for the first year, one percent growth in year two (the first year of impact for the projection), and two percent growth for the remaining years of the five-year projection. These growth rates are the same as the growth rates used for the FY 2018 Youth Development Center (YDC) projections.⁷
- *Probability of Juvenile Complaints:* The estimate for the number of 16- and 17-year-olds who will receive a delinquent complaint under juvenile jurisdiction originates from adult charge data for this age group. It is assumed that 16- and 17-year-olds will receive delinquent complaints at the same rate as they were charged with criminal offenses in the adult system.
- *Average Number of Complaints per Juvenile:* On average, the number of complaints per juvenile for 15-year-olds was 2.4 in FY 2016. It is assumed that the average number of complaints per juvenile will be the same for 16- and 17-year-olds.
- *Detention Rates by Offense Class:* The detention rates for 16- and 17-year-olds during the projection period are assumed to match FY 2016 rates for 15-year-olds. These rates also account for juveniles whose cases were closed or diverted at intake.
- *Median Length of Stay by Offense Class:* The median length of stay for Class H-I felonies and Class A1-3 misdemeanors for 16- and 17-year-olds is assumed to match the FY 2016 length of stay for 15-year-olds. The median length of stay for Class A-G felonies for 16- and 17-year-olds is assumed to match the FY 2016 length of stay for 16- and 17-year-olds.
- *Court Practices and Policy Changes:* The projections assume no other changes in judicial or prosecutorial behavior (beyond the extension of juvenile jurisdiction). In addition, the projections do not incorporate any potential increases or decreases in the detention population due to budgetary or policy-driven changes implemented by DACJJ and/or other agencies that provide services for juveniles.
- *Effective Date:* A partial projection (7 months) is provided for year two (FY 2020) to account for the effective date of the legislation extending the age of juvenile jurisdiction.

⁶ The projections are based on the most recent data available (FY 2016) and could be modified with updated data.

⁷ The growth rates for the YDC projections are based on census projections for North Carolina's youth population, several juvenile justice indicators, and the implementation of the JJRA beginning in 2019. For more information see the Youth Development Center Population Projections: Fiscal Year 2018 to Fiscal Year 2022 at: <https://www.nccourts.gov/documents/publications/youth-development-center-population-projections>