



2023 Juvenile Defender Conference

Friday, August 18, 2023

| | |
|----------------|---|
| 8:50 to 9:00 | Welcome <i>Timothy Heinle, Teaching Assistant Professor</i> UNC School of Government, Chapel Hill, NC |
| 9:00 to 10:00 | Post Disposition Advocacy <i>Terri Johnson, Assistant Juvenile Defender</i> North Carolina Office of the Juvenile Defender, Raleigh, NC |
| 10:00 to 11:00 | Juvenile Defense, Emotional Labor, & Coping Mechanisms** <i>Leisha DeHart-Davis, Professor of Public Admin. and Government</i> UNC School of Government, Chapel Hill, NC |
| 11:00 to 11:15 | <i>Break</i> |
| 11:15 to 12:15 | Legislative and OJD Updates <i>Eric Zogry, State Juvenile Defender</i> <i>Yolanda Fair, Project Attorney</i> North Carolina Office of the Juvenile Defender, Raleigh, NC |
| 12:15 to 1:15 | <i>Lunch</i> |
| 1:15 to 2:15 | Juvenile Recidivism <i>Tamara Flinchum and John King, Senior Research and Policy Associates</i> N.C. Sentencing and Policy Advisory Commission |
| 2:15-2:30 | <i>Break</i> |
| 2:30 to 4:30 | Juvenile Defender Trial Skills: Direct Examination <i>Burcu Hensley, Assistant Juvenile Defender</i> North Carolina Office of the Juvenile Defender, Raleigh, NC <i>Timothy Heinle, Teaching Assistant Professor</i> UNC School of Government, Chapel Hill, NC |
| 4:30 | <i>End of program</i> |

This program offers 6 hours of CLE credit (**including 1.0 hour of mental health), pending Bar approval.

Post Disposition Advocacy

Post Disposition Advocacy: Focus on YDC and PRS

I. Overview

A. How do you advise your client as disposition approaches or is finalized?

1. Advising and explaining to client options available following disposition

a. Legal effect of adjudication

- i. **7B-2412** adjudication or commitment to YDC is not a conviction and shall not cause the juvenile to forfeit any citizenship rights (BUT don't forget collateral consequences....separate presentations on [OJD website](#))

b. Appeal-7B-2602, 7B-2605, 7B-2606

- i. **2602:** Appeal must be given in open court at the time of the hearing or within 10 days after entry of the order. If no disposition is made within 60 days after entry of the order, written notice may be given within 70 days.
- ii. **2605:** Pending disposition of an appeal, the **release of the juvenile, with or without conditions, should issue in every case** unless the court orders otherwise. A **temporary order affecting custody or placement** of the juvenile as the Court finds in the juvenile's best interests may be issued for **compelling reasons which must be stated in writing**.
- iii. **2606:** If affirmed on appeal, the Court has the authority to modify or alter the original order of adjudication or disposition as the Court finds to be in the best interests of the juvenile to reflect any adjustment made by the juvenile or change of circumstances during the period of time the appeal was pending.
- iv. Counsel should also advise clients of the time frame for appeals and any issue regarding recoupment of attorney fees if the appeal is unsuccessful

c. Motion for Review

- i. **7B-2600:** Upon motion and notice, the court may conduct a review hearing to determine whether the order is in the best interests of the juvenile
- ii. **The court may modify or vacate the order in light of change in circumstances or needs of the juvenile.**
- iii. **7B-2601:** If the Division finds that any juvenile committed to YDC is not suitable for its program, the Division may make a motion for the court to make an alternative disposition consistent with 7B-2508.
- iv. See also, 7B-2510(d) which allows review and modification of orders imposing probation.

d. Requesting to seal records

- i. Do not advise client that records are "sealed" unless the court has ordered the records sealed.
- ii. **7B-3000(c):** The court may order the clerk to "seal" any portion of a juvenile's record. If ordered, the clerk shall secure and seal

- the record and mark the sealed envelope “SEALED: MAY BE EXAMINED ONLY BY ORDER OF THE COURT.”
- iii. If sealed, a specific order must be entered to allow inspection or copying.
 - iv. Make this request for any sensitive materials such as evaluations, reports with sensitive information included, or when the youth requests it.
 - e. Expungement (Just overview—not detailed information on appeals or expungement as those could be separate trainings).
 - i. Advise clients of possibility of expungement
 - ii. **7B-3200(a)**: Client must have reached the age of 18 and the petition must be filed in the court where the person was adjudicated.
 - iii. **7B-3200(b)**: A-E felonies are excluded and can not be expunged; 18 months must have passed since the person was released from juvenile court jurisdiction; and the person can not have a subsequent adjudication or conviction for any felony or misdemeanor other than traffic violations
 - iv. **7B-3200(d)**: While the prosecutor is entitled to notice of the hearing and can file an objection, if the client meets the criteria, the court shall order the clerk and all law enforcement agencies to expunge the records
 - v. **7B-3200(h)**: Similar process if petition was filed but youth was not adjudicated. In that case, notice is served on the chief court counselor. If no objection is filed within 10 days, the expungement may be granted without a hearing.
 - vi. **7B-3201**: Even after expungement, a person may be ordered to testify about whether or not the person was adjudicated delinquent. (Subsection (a) states person cannot be guilty of perjury by reason of failure to recite or acknowledge such record.)
 - 2. Preparing the client for Probation versus YDC
 - a. For those clients who could be a Level 2 or 3, prepare them for each possibility.
 - b. **7B-2508** provides that those eligible for a Level 2 disposition could receive any disposition alternative contained in 7B-2506, subdivisions 1-23. The possibilities should be discussed with the client along with the possible punishments for violations.
 - c. Don’t forget to review **7B-2510** which provides statutory options for conditions of probation. Again, **7B-2510(d)** provides that a court may review and modify the conditions of probation on motion of the court counselor, the juvenile, or the court’s own motion.
 - d. If eligible for commitment or a PRTF, pursuant to **7B-2502**, ask to be included in the care review team and advise your client of possible outcomes.

- e. Those who are a Level 3 pursuant to **7B-2508** may still receive a Level 2 disposition if the court finds extraordinary needs on the part of the juvenile.
- f. For clients 10 years of age and up, commitment to YDC is controlled by **7B-2513**.
 - i. (SEE table with Max/Min punishments—don't forget definite commitment of 6 months to two years if 14 yoa, previously adj. delinquent for two or more felony offenses, and has been previously committed to a YDC)

| Age | Class of Offense | Maximum Juvenile Jurisdiction (unless YDC) | YDC Jurisdiction |
|-------|--|--|------------------|
| 6 - 7 | All felonies & misdemeanors | Vulnerable Juvenile: No Juvenile Jurisdiction | n/a |
| 8-9 | H, I & misdemeanors (if no previous delinquency adjudication) | Vulnerable Juvenile: No Juvenile Jurisdiction | n/a |
| | A (FDM, first degree rape or sex offense) | | 21 |
| | B1 - E | | 19 |
| | F – G | 18 | 18 |
| | H, I & misdemeanors (if any previous delinquency adjudication) | | 18 |
| 10-12 | A (FDM, first degree rape or sex offense) | | 21 |
| | B1 - E | | 19 |
| | F – G | 18 | 18 |
| | H – I | | 18 |
| | Misdemeanors | | 18 |
| 13-15 | A (FDM, first degree rape or sex offense) | | 21 |
| | B1 – E | | 19 |
| | F - G | 18 | 18 |
| | H – I | | 18 |
| | Misdemeanors | | 18 |
| 16 | A (FDM, first degree rape or sex offense) | | 21 |
| | B1 – C | | 20 |
| | D – E | | 20 |
| | F - G | 19 | 19 |
| | H – I | | 19 |
| | Misdemeanors | | 19 |
| 17 | A – C | | 21 |
| | D – E | | 21 |
| | F – G | 20 | 20 |
| | H – I | | 20 |

- ii. **2513(e):** Youth shall be placed in YDC facility that will best provide for the youth's needs and notify the committing court. Division may assign the youth to any institution of the Division or licensed by the Division. (Opportunity for attorney to be involved: motions to change placement in YDC if necessary.)
- iii. **2513(e):** Community commitment is allowed, and counsel should argue for it at disposition. The "Division, after assessment, may provide commitment services to the juvenile in a program not located in a youth development center or detention facility." If community commitment is recommended, the Division shall file a motion, along with information about the recommended services for the juvenile, with the committing court prior to placing the juvenile. **The court may determine that the program is appropriate, and a hearing is not necessary. A hearing must be held if the juvenile or juvenile's attorney requests a hearing.**
- iv. **2513(g):** Placement in YDC does not terminate the court's jurisdiction or change legal custody of the youth.

II. YDC

A. [Locations](#) See NCDPS website

- 1. Cabarrus
 - a. Built in 1909 in Concord, NC
 - b. 96 beds on 55 acres with 15-foot-tall fence
 - c. Houses males
- 2. Chatham
 - a. Opened in 2008 in Siler City, NC
 - b. 24 beds
 - c. Only YDC that serves females
- 3. Edgecombe
 - a. Built in 2008, renovated and re-opened in 2016 in Rocky Mount, NC
 - b. 44 beds
 - c. Houses males
- 4. Lenoir
 - a. Built in 2008, renovated and re-opened in 2017 in Kinston, NC
 - b. 22 beds
 - c. Houses males
- 5. Rockingham (under construction)
 - a. Projected to open fall of 2023 in Reidsville, NC
 - b. Projected to have at least 60 beds?
 - c. Housing males?

B. YDC initial intake process with evaluations

- 1. **2513(f):** The Division is required to [prepare a plan for treatment within 30 days of the youth entering custody.](#)
- 2. **2513(i):** Committed youth are required to be tested for the use of controlled substances or alcohol and the results used for the treatment plan.

3. Within an hour of arrival at YDC, youth are to be assessed for suicide risk and have an initial mental health screening.
 4. Within the first week, each youth has a mental status exam by a licensed mental health clinician.
 5. Within the first 30 days, youth receive a full psychological evaluation.
 6. Upon commitment to a youth development center, a juvenile undergoes a comprehensive screening and assessment of developmental, educational, medical, neurocognitive, mental health, psychosocial and relationship strengths and needs. (From [DPS website](#).)
 7. Results from these assessments, in combination with other relevant current and historical data, are used by Juvenile Justice staff, parents/caregivers and community providers/stakeholders to develop an individualized service plan that outlines commitment services, including plans for education, mental health services, medical services and treatment programming as indicated. Assessments also provide a framework for the development of post-release supervision services.
- C. Service planning team defined and explained (7B-2513(f) and 7B-2514(a)(1) and (a)(2)).
1. Upon arrival at a youth development center, juveniles are assigned to a service planning team that operates under a child and family-centered model.
 - a. Each service planning team develops an individualized plan to meet each child's service needs within a month of the juvenile's arrival.
 - b. The team meets at least monthly thereafter to monitor progress on service plan goals and to make adjustments in the plan when needed.
 2. The service planning team consists at a minimum of the juvenile, his or her parent(s) or guardian, a court counselor from the youth's home district, a social worker who facilitates team meetings, a licensed mental health clinician and a school representative. See 7B-2514(a)(2) and DPS website.
 - a. Other YDC staff and community stakeholders (e.g., chaplains, substance abuse counselors, direct-care staff) may also be members of a juvenile's service planning team.
 - b. NOTICE THE ABSENCE OF THE YOUTH'S ATTORNEY!!
 - c. Opportunity to be involved here if attorney remains attorney of record per Court's order or through regularly scheduled court reviews.
 - d. Court is authorized to oversee plans for release. In re: Doe, 329 N.C. 743, 407 S.E.2d 798 (1991) and 7B-2513(g) (court's jurisdiction not terminated by placement in YDC). See also 7B-2513(e), -2600, and -2601 on review motions.
 3. The service planning meetings are facilitated by the social worker assigned to the youth and are expected to address the following domains:
 - JUVENILE BEHAVIOR AND ATTITUDE
 - MENTAL HEALTH
 - EDUCATION/VOCATIONAL
 - SUBSTANCE ABUSE (as applicable)
 - PHYSICAL HEALTH
 - SOCIAL/PEER ASSOCIATIONS

- SPIRITUAL/ FAITH-BASED NEEDS
 - RECREATION/ LEISURE
 - COMMUNITY INVOLVEMENT/ REINTEGRATION
 - FAMILY ENGAGEMENT/ REINTEGRATION
4. The service planning team determines the youth's counseling, education, and PRS conditions. Most youth receive weekly individual or group therapy and may receive psychiatric services or substance abuse counseling.
 5. The service planning team and youth establish treatment goals at or before these meetings. (Treatment goals can include anger management with identifying and addressing trigger situations, appropriate peer boundaries and interactions, impulse control, family counseling, and accountability and apologizing to alleged victims—beware Alford admissions. These are examples and not an exhaustive list.)
 6. Progress toward each goal or updating and creating new goals are addressed at each service planning meeting.
- D. Models of Care utilized by YDC facilities
1. Service planning teams operate under a child and family-centered model.
[Need clear definition of child and family-centered model.]
 2. “Core programming rooted in a Risk-Need-Responsivity model is offered at each of the state's youth development centers. Core programming is informed by the research literature addressing “what works” with confined juvenile offenders, is rooted in a cognitive-behavioral treatment approach, and encompasses a motivation system as well as focused interventions targeting common criminogenic needs.” [From DPS website and need definition of Risk-Need Responsivity model.]
 3. EACH YDC HAS A HANDBOOK FOR YOUTH AND PARENTS. DEFENDERS SHOULD REQUEST A COPY WHEN THEY REMAIN INVOLVED IN THE CASE. (Edgecombe's handbook is 57 pages long. By contrast, Chatham's handbook is 91 pages long.)
 4. Edgecombe YDC uses the Rise Up model which is a restorative justice model.
 - a. Acronym stands for Repair harm, Imagine change, Strengthen communities, Enable healing, Understand others, Promote accountability.
 - b. There are no levels or points
 - c. Goals are personalized and youth at Edgecombe are “employed” and earn “Edgecombe money” to purchase items listed in the handbook.
 5. Chatham YDC utilizes a Model of Care approach that is similar to those utilized by each other YDC with some variations for things like daily schedules.
 - a. There are 4 stages in the program, and it is possible to be “demoted”
 - i. Stage 1 is Preparation Stage with the focus on adjusting to YDC
 - ii. Stage 2 is Skill Building Phase with a focus on learning social skills, showing better self-control, and learning from mistakes
 - iii. Stage 3 is Skills Mastery
 - iv. Stage 4 is Community Reintegration
 6. What can your client expect? (Common rules at all YDCs)

- a. In addition to the service planning teams, each YDC has a list of rights for youth in YDC which includes basic rights such as being treated with respect; right to be free from corporal punishment harassment, or physical or sexual abuse; right to vote if the youth is 18; right to confidentiality; etc.
- b. Non-emergency medical care requires a written request to be seen by the staff nurse.
- c. School is Monday through Friday with the option for a GED with parental permission. Some youth may be eligible for courses offered by community colleges.
- d. Phone calls are supervised. Supervised is described as being within earshot but not listening on another line. This includes phone calls with attorneys.
- e. Visits must be approved by the service planning team for all types of visits.
- f. Youth are strip searched every time they enter or exit the campus for any reason and may be strip searched at other times “if there are reasonable safety concerns or suspicions.”
- g. There is a grievance policy for youth to file complaints and appeal decisions to the Deputy Commissioner of Juvenile Justice.
- h. Youth have the right to access courts for legal remedies and to legal representation. Youth are advised of supervised phone calls with attorneys and that mail from attorneys will be inspected by being opened by a staff member in the presence of the youth.

III. Post Release Supervision

A. Process to get to PRS (court review versus no court review)

- 1. 7B-2514(a): The Division shall review progress every 6 months.
 - a. **If the Division determines a youth is ready for release, the Division shall initiate post-release supervision planning**
 - b. **Post-release planning shall include the following:**
 - i. **Written notification to the court that ordered commitment**
 - ii. **A post-release planning conference shall be held and shall include as many as possible of the following: juvenile; parent, guardian, or custodian; JCCs who have supervised the youth; YDC staff. This conference shall be in person and not via telephone**
 - iii. **The planning conference (SPT) shall consider any programs that would be appropriate transitional placement pending release.**
 - iv. **Although not specified in the statute, the named individuals initiating post-release planning are the members of the service planning team**
 - c. 7B-2514(b): Post-release plans shall be in writing and based on the needs of the juvenile and protection of the public; and must require at least 90 days but not more than one year of PRS.
 - d. 7B-2514(c): PRS must occur at least 90 days prior to the youth’s maximum term

- e. 45 days prior to release, the Division shall notify by mail the juvenile; juvenile's parent/guardian/custodia; the district attorney where the adjudication occurred; the head of the enforcement agency who took the youth into custody if the youth was committed for an A or B1 felony. The notice will include the youth's name, offense, date of commitment, and date of release
 - f. Victims' Rights Act: Under 7B-2053, it is the victim's responsibility to request notice of proceedings on a form provided by the DA's office. If notification was requested, the victim shall be notified 45 days prior to release to PRS for youth committed on any charges (not just A and B1 felonies). The victim is afforded an opportunity to be heard about PRS and those views shall be considered by the Division in the PRS planning conference.
- B. Expectations on PRS and continued involvement of SPM versus CFT
 - 1. PRS conditions are created by the service planning team and generally mimic conditions of probation
 - 2. There are continued meetings with the service planning team, generally monthly. However, the team is now the Child and Family Team.
- C. Violations of PRS
 - 1. 7B-2516(a): Upon motion of the JCC or the juvenile or the court's own motion, and after notice, the court may hold a hearing to review the progress of any juvenile on PRS. If a violation is alleged, the juvenile:
 - a. Shall have reasonable written notice of the nature and content of the allegations, including notice that the purpose of the hearing is to determine whether the juvenile has violated the terms of PRS to the extent that PRS should be revoked;
 - b. **Shall be represented by an attorney;**
 - c. Shall have the right to confront and cross examine witnesses;
 - d. May admit, deny, or explain the violation alleged and may present proof including affidavits or other evidence
 - 2. The court **may revoke PRS or make any other disposition authorized** if the court determines by the **greater weight of the evidence** that a violation of PRS has occurred.
 - 3. If revoked, commitment is for an indefinite period of 90 days but may not exceed the maximum term of commitment allowed
- D. Termination of PRS
 - 1. 7B-2514(g): A youth on PRS shall be supervised by a JCC and **PRS shall be terminated by order of the court.**
- E. Extended Commitment
 - 1. 7B-2515(a): Division shall consider protection of the public and the likelihood that continued placement will further rehabilitation.
 - a. If the Division does not intend to release a youth prior to the 18th birthday (for offenses committed prior to reaching 16) or determines commitment should extend beyond the maximum period authorized in G.S. 2513(a4), the Division shall notify the juvenile and the parent/guardian/custodian in writing at least 30 days prior to the youth's 18th birthday or maximum

term of commitment. The notice shall include the additional specific commitment term proposed by the Division and the basis for the extension and plan for future care and treatment.


- b. Similar provisions and time frames for youth with maximum commitments of 19th and 20th birthdays
2. 7B-2515(b): The Division shall modify the plan of care to specify:
 - a. The specific goals and outcomes requiring additional time for care or treatment;
 - b. The specific course of treatment or care that will be implemented to achieve established goals;
 - c. The efforts that will be taken to assist the juvenile and juvenile's family in creating an environment that will increase the likelihood that the efforts to treat and rehabilitate will be successful.
3. 7B-2515(c): The juvenile or the parent/guardian/custodian may request a review of the decision to extend commitment, in which case the court shall conduct a review hearing. The Court may modify the decision of the Division. If no review is requested, the Division decision becomes the new maximum commitment period.

IV. Strategies to remain involved

- A. Requesting court order attorney to remain counsel of record with or without review dates
 1. Request review dates pursuant to 7B-2516, 7B-2600
 2. Ask that your contact information be provided to the YDC as the youth's attorney in the event the youth should need to contact you
 3. Ensure that the youth and parent/guardian/custodian are aware of options for review hearings and that they have your contact information
 4. Request language in the order that allows you as the attorney to receive notice of all service planning meetings and that you be allowed to participate in those meetings
 5. Contact the JCC and YDC to determine dates of service planning meetings and participate in the same
 6. Request continued notice of meetings concerning your client once released to PRS
- B. Filing a motion for review for youth in YDC or on PRS if regular reviews weren't requested/ordered-clerk's process to appoint or re-appoint counsel
 1. File motions for review when necessary to further your client's expressed interests and to protect your client's rights including motions to begin or terminate PRS
- C. Request files be sealed upon termination of supervision or before.
 1. Request language in the order to be notified in the event a request is made to unseal a file.
- D. **WARNING: 7B-2000 does NOT authorize payment for attorneys for expungement or for involvement in service planning meetings or child and family team meetings while in YDC or on PRS. Payment is currently only authorized for appointment in juvenile proceedings. If counsel does file a motion for review, note in the motion the youth is a minor and is therefore**

presumed indigent and entitled to counsel in all juvenile proceedings alleging delinquency including motions for review. If a request is made to remain attorney of record and to participate in service planning meetings, IDS will not currently pay attorney fees for this.


Juvenile Recidivism



Recidivism of North Carolina Juveniles

2023 Juvenile Defender Conference
August 18, 2023

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About

Membership

- 28 members representing components of the criminal justice system

Independent

- Members appointed by leaders of all three branches of government

Purpose

- Advise General Assembly and criminal justice agencies on criminal justice policy

Duties

Legislative and other requests

Mandates

- Monitor sentences imposed under Structured Sentencing
- Annual population projections (prison, Youth Development Center)
- Biennial recidivism reports (adult, juvenile)
- Review criminal justice bills and provide fiscal impact
- Evaluate implementation of the Justice Reinvestment Act (JRA)

2

Crime trends focus on the volume of the system, while recidivism studies focus on outcomes

Crime Trends

- Volume
- Capacity
- System Resource Needs

Recidivism Studies

- Outcomes
- Effectiveness of Programs/Services
- Individual Outcomes

NCSPAC's Mandate

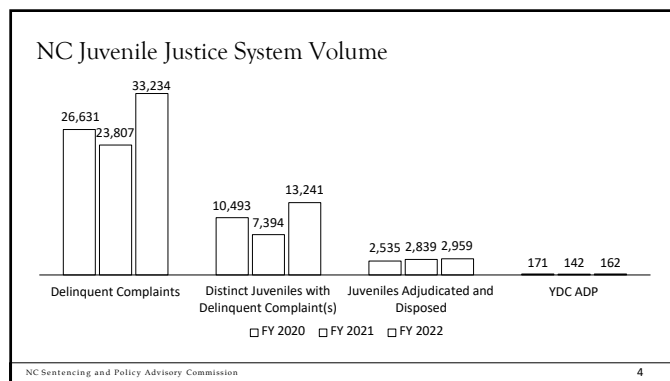
- YDC Projections

NCSPAC's Mandate

- Juvenile Recidivism Study*
- JCPC Program Effectiveness Report*

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Recidivism Studies

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Who is being studied?

| Juvenile Recidivism Study | JCPC Effectiveness Study |
|---|---|
| <ul style="list-style-type: none">Juveniles who exited the Juvenile Justice (JJ) System in FY 2020Focused on 3 Groups<ul style="list-style-type: none">DivertedProbationYDC Commitment | <ul style="list-style-type: none">Youth who exited a JCPC program in FY 2020Focused on 2 Groups<ul style="list-style-type: none">At-RiskCourt-InvolvedExamined 6 JCPC Program Categories |

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2

How is recidivism defined?

The diagram illustrates the definition of recidivism as the sum of two components: 'Juvenile Delinquent Complaint' and 'Adult Arrest'. These are represented by circles connected by a plus sign, followed by an equals sign and a circle labeled 'Recidivism'.

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How long is the follow-up period?

The diagram shows two paths for follow-up periods. The first path, 'Time Varied by Youth', leads to 'Juvenile Justice Involvement or JCPC In-Program Participation'. The second path, 'Fixed Time for All', leads to 'Two-Year Follow-Up'. Both paths are represented by arrows pointing to the right.

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Considerations

2017 Juvenile Justice Reinvestment Act

- Raise the Age (RtA) effective on December 1, 2019

COVID-19 Pandemic

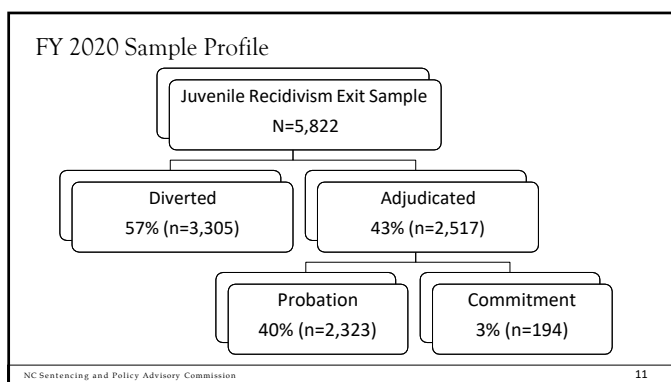
- Began during the final months of the sample and continued during the two-year follow-up period

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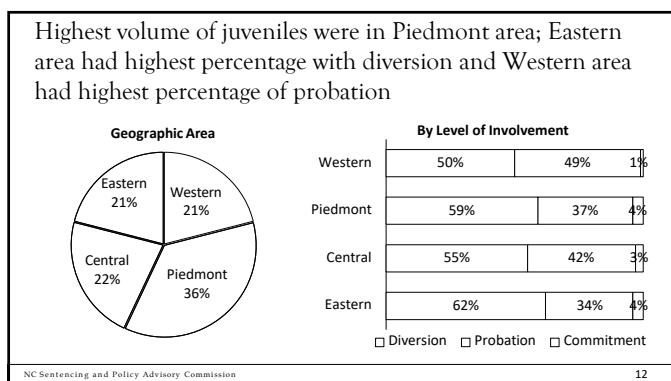
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The groups varied in their demographic and JJ profiles

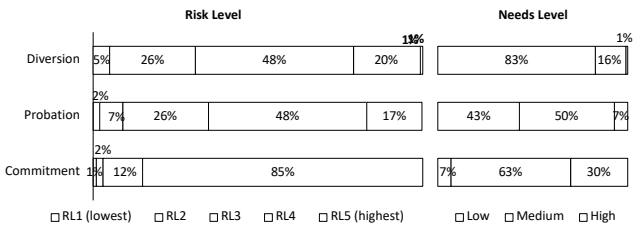
| Diversion | Probation | Commitment |
|--|---|---|
| <ul style="list-style-type: none"> • 71% Male • 41% White, 41% Black • 14 Years, Avg. Age at JJ Exit • 17% Prior Complaint • 84% Minor, 16% Serious, <1% Violent • 4 months JJ Involvement (Avg.) | <ul style="list-style-type: none"> • 76% Male • 41% White, 43% Black • 15 Years, Avg. Age at JJ Exit • 50% Prior Complaint • 61% Minor, 34% Serious, 5% Violent • 12 months JJ Involvement (Avg.) | <ul style="list-style-type: none"> • 92% Male • 19% White, 72% Black • 16 Years, Avg. Age at JJ Exit • 95% Prior Complaint • 1% Minor, 63% Serious, 36% Violent • 14 months JJ Involvement (Avg.) |

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As involvement with the JJ system deepened, juveniles were assessed as higher risk and with higher needs

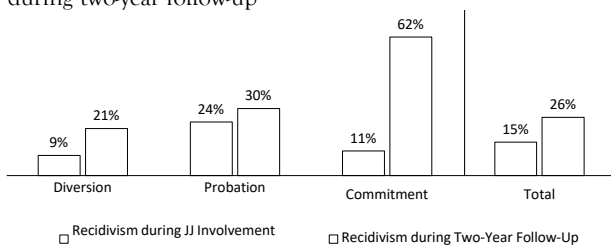


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Probationers had the highest recidivism rates during JJ involvement, while committed juveniles had the highest during two-year follow-up

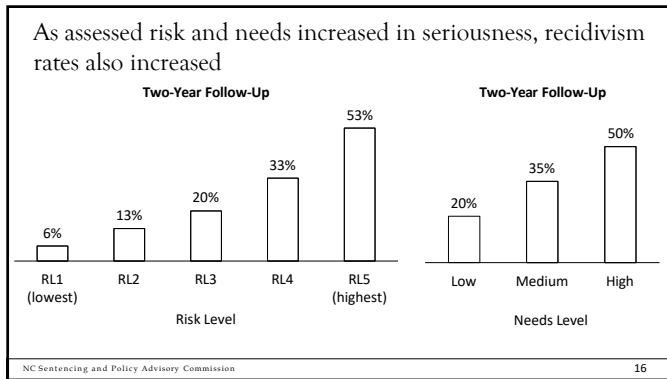


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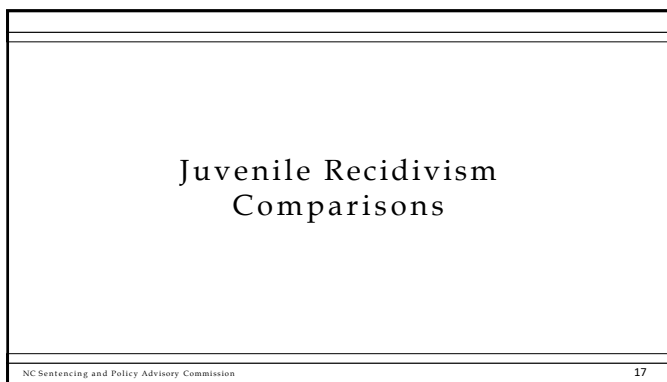
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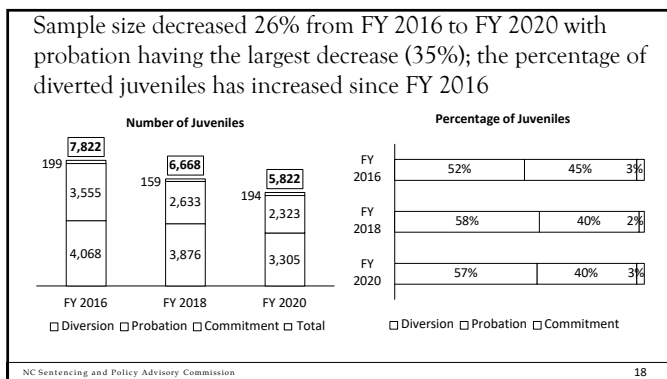
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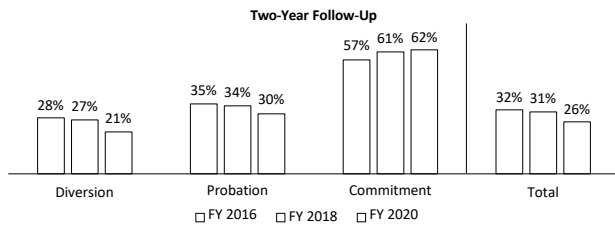
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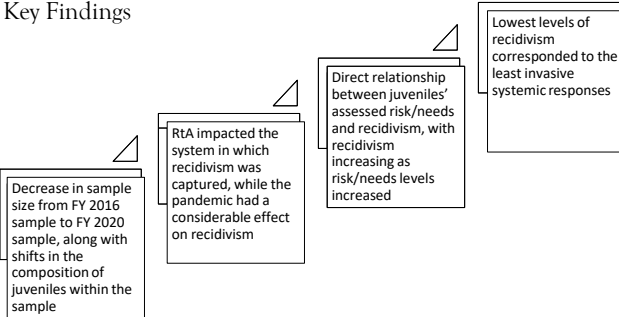
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There was a marked decrease in recidivism for the FY 2020 sample; rates also decreased by group (with the exception of the Commitment group)



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Key Findings



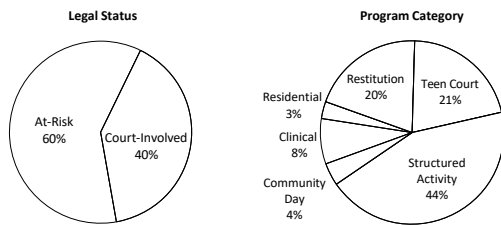
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JCPC Effectiveness Study

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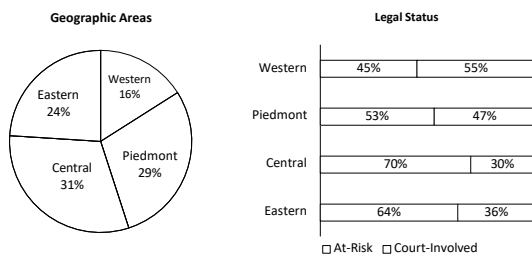
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Most of the sample was at-risk and/or exited from one of three program categories



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Most juveniles exited from programs in the Central and Piedmont areas; legal status varied by geographic area



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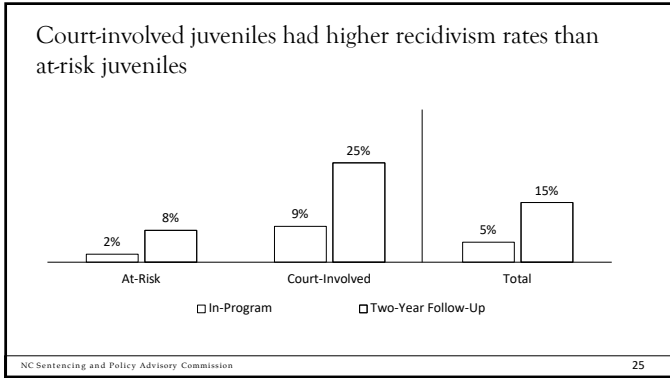
At-risk and court-involved juveniles differed in their demographic and JJ profiles

| At-Risk Juveniles | Court-Involved Juveniles |
|---|---|
| <ul style="list-style-type: none">• 59% Male• 49% Black, 30% White• 40% were 12 years old or younger*• 10% had a prior delinquent complaint• 11% were highest risk (RL4 or RL5)• 34% had 4 or more problem behaviors | <ul style="list-style-type: none">• 72% Male• 44% Black, 38% White• 12% were 12 years old or younger*• 77% had a prior delinquent complaint• 40% were highest risk (RL4 or RL5)• 62% had 4 or more problem behaviors |

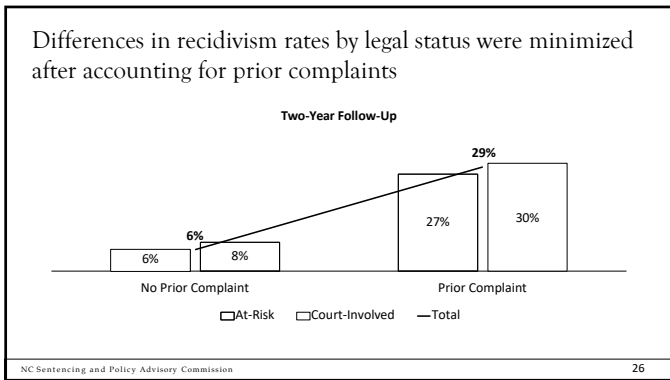
* At program entry

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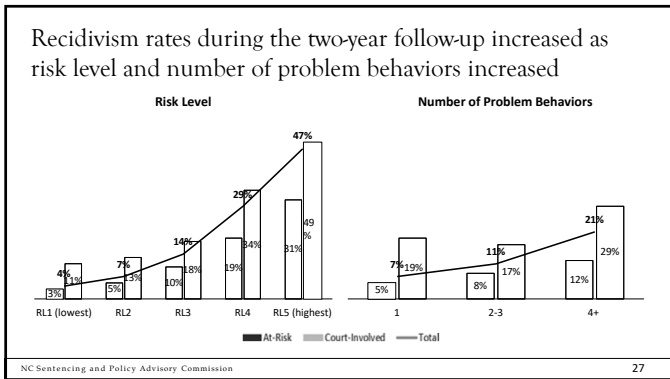
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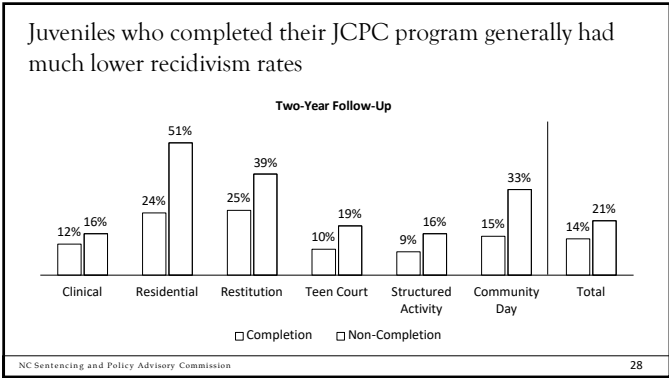


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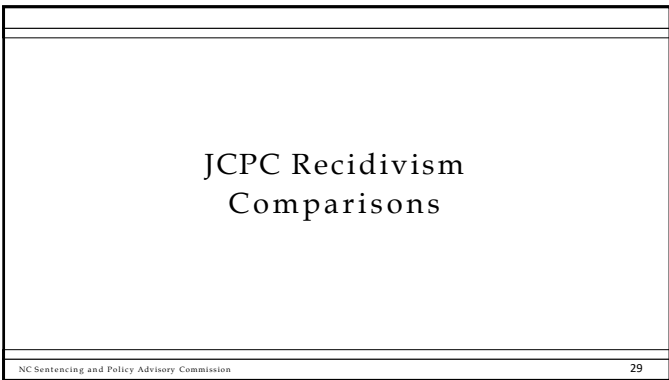


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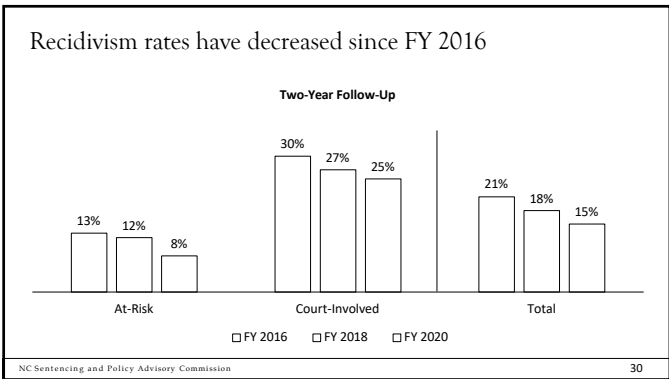
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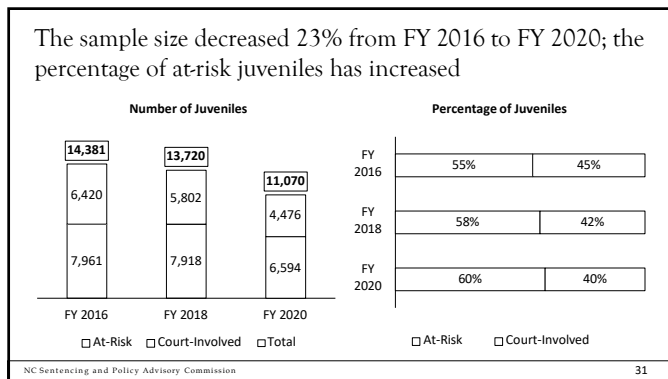
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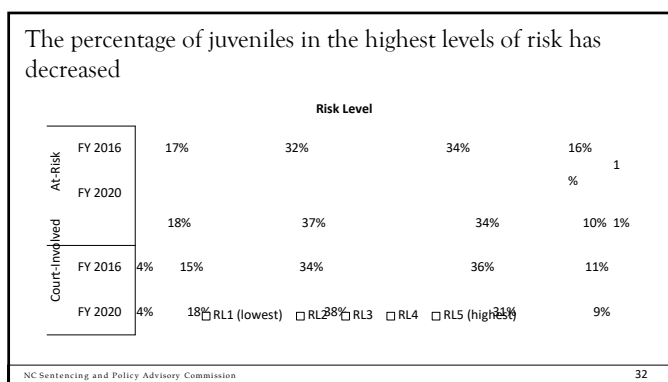
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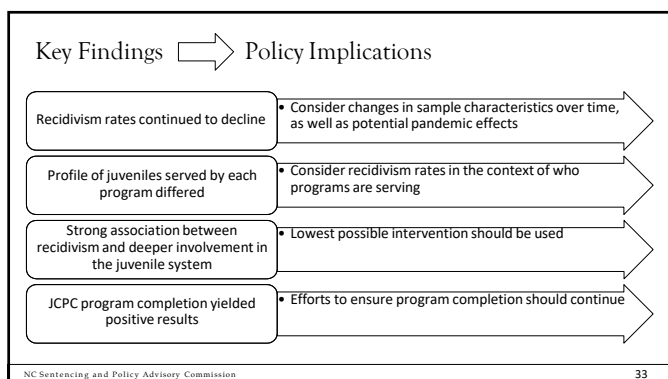
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


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FISCAL YEAR 2020 SAMPLE

- ⇒ The study follows 5,822 juveniles with a delinquent complaint who exited the juvenile justice system in FY 2020 following diversion, probation, or commitment to a Youth Development Center (YDC).
- ⇒ Recidivism includes all subsequent delinquent complaints and adult arrests and is tracked during juvenile justice involvement as well as a two-year follow-up period.
- ⇒ While Raise the Age and the pandemic occurred during the sample timeframe, both had limited effects on the sample.
- ⇒ The pandemic had a considerable effect on recidivism rates during the two-year follow-up; rates decreased from 31% for the FY 2018 sample to 26% for the FY 2020 sample.

Juvenile Profile

- Juveniles averaged 14 years of age at offense. Most juveniles were male (73%) and 43% were Black.
- Few were classified at the lowest (3%) and highest (10%) risk levels; most (65%) were assessed as having low needs.
- Almost one-third had at least one prior complaint. 80% had a misdemeanor offense; 60% had a school-based offense.
- Length of juvenile justice involvement was shortest for diverted juveniles and longest for committed juveniles.

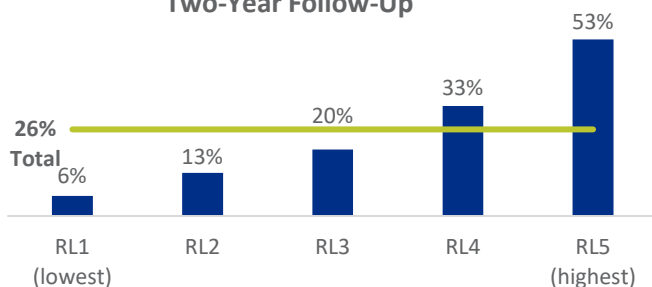
Top 3 Juvenile Offenses

| Type of Offense | Class | N | % |
|------------------------------|-------|-----|----|
| Simple Assault | 2 | 998 | 17 |
| Disorderly Conduct at School | 2 | 350 | 6 |
| Simple Affray | 2 | 344 | 6 |

Recidivism

- Overall, 15% had recidivism during their juvenile justice involvement, 26% during the two-year follow-up, and 33% during either or both time periods.
- Juveniles with at least one prior complaint had higher recidivism rates than those with no prior complaints.
- Recidivism increased as risk level and needs level increased.

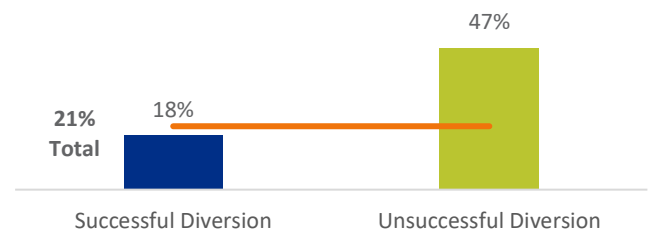
Recidivism Rates by Risk Level: Two-Year Follow-Up



Diverted Juveniles

- Of the 3,305 diverted juveniles, most (90%) successfully completed their diversion plan or contract.
- Juveniles with a successful diversion spent an average of 4 months in the juvenile justice system compared to an average of 3 months for those with an unsuccessful diversion.
- Only 9% of diverted juveniles recidivated during their juvenile justice involvement.
- Juveniles with an unsuccessful diversion had higher recidivism rates compared to those with a successful diversion.

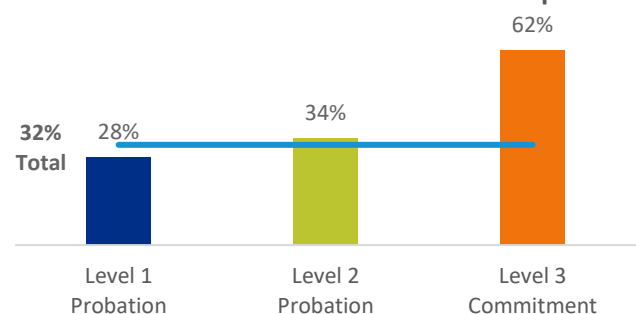
Recidivism Rates: Two-Year Follow-Up



Adjudicated Juveniles

- Of the adjudicated juveniles, 2,517 exited probation (Level 1: 1,787; Level 2: 536) and 194 exited a YDC facility (Level 3).
- Level 1 probationers, on average, had the shortest involvement in the system (11 months) compared to Level 2 probationers and committed juveniles (14 months each).
- 75% of probationers had a misdemeanor offense, while 91% of committed juveniles had a felony offense.
- 23% of Level 1 probationers, 28% of Level 2 probationers, and 11% of committed juveniles (likely due to their confinement) had recidivism during juvenile justice involvement.

Recidivism Rates: Two-Year Follow-Up



Note: Direct comparisons between recidivism rates in this report and reports prior to 2019 cannot be made due to methodological differences.

SOURCE: NC Sentencing and Policy Advisory Commission, FY 2020 Juvenile Recidivism Exit Sample

For the NC Sentencing and Policy Advisory Commission's *Juvenile Recidivism Study: FY 2020 Juvenile Sample* and all other publications, see the Commission's website: www.NCSPAC.org.

JUVENILE RECIDIVISM STUDY:

FY 2020

JUVENILE
EXIT SAMPLE

MAY 1, 2023

SUBMITTED PURSUANT
TO N.C. GEN. STAT. §
164-48 (2022)



THE HONORABLE CHARLIE BROWN
CHAIRMAN

MICHELLE HALL
EXECUTIVE DIRECTOR

WWW.NCSPAC.ORG

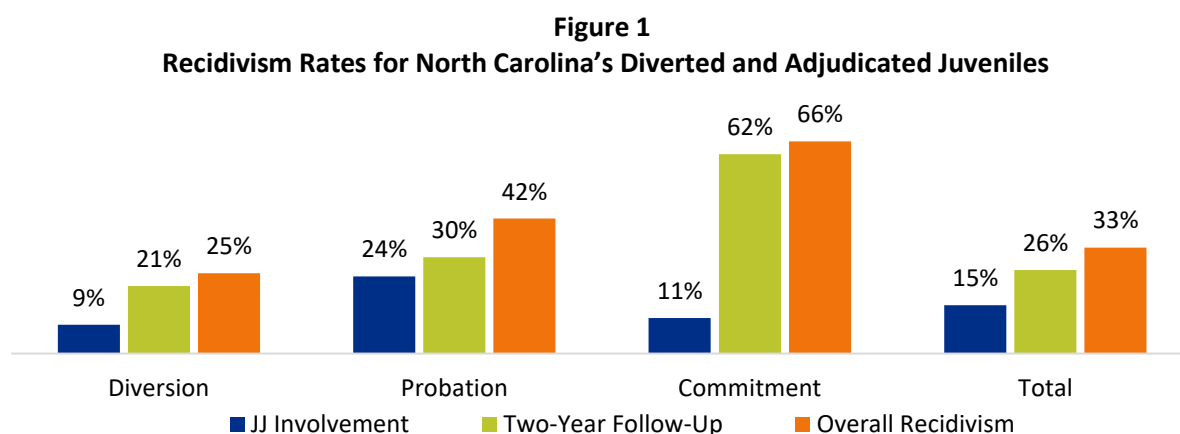
EXECUTIVE SUMMARY

During the 2005 Session, the North Carolina General Assembly amended Chapter 164 of the General Statutes to direct the North Carolina Sentencing and Policy Advisory Commission (Sentencing Commission) to conduct biennial juvenile recidivism studies on adjudicated youth in the state. The 2023 report, which marks the ninth biennial report, employed the same methodology as the 2019 and 2021 reports by using an exit sample and tracking juveniles for recidivism (i.e., delinquent complaints and/or adult arrests) during their juvenile justice involvement, in addition to the fixed two-year follow-up from their sample exit. While Raise the Age (RtA) and the COVID-19 pandemic had limited impacts on the FY 2020 sample itself, the pandemic had a demonstrated impact on recidivism during follow-up.

The Executive Summary highlights the key findings and conclusions from the 2023 report.

FY 2020 JUVENILE RECIDIVISM EXIT SAMPLE

- The 5,822 juveniles in the sample were brought to the attention of the juvenile justice system with at least one delinquent complaint and exited the system in FY 2020 following diversion (n=3,305), probation (n=2,323), or commitment to a Youth Development Center (YDC) (n=194).
- The vast majority (80%) of juveniles had a misdemeanor as their most serious charged offense although there were variations by group (91% of diverted juveniles, 71% of the probation group, and 8% of the commitment group).
- Diverted juveniles were assessed at lower risk and needs levels than adjudicated juveniles. Recidivism rates increased progressively as risk and needs levels increased.
- Overall, 15% had recidivism during juvenile justice involvement, 26% during the two-year follow-up, and 33% during either time period (see Figure 1). Recidivism rates generally increased as the level of juvenile justice involvement increased.

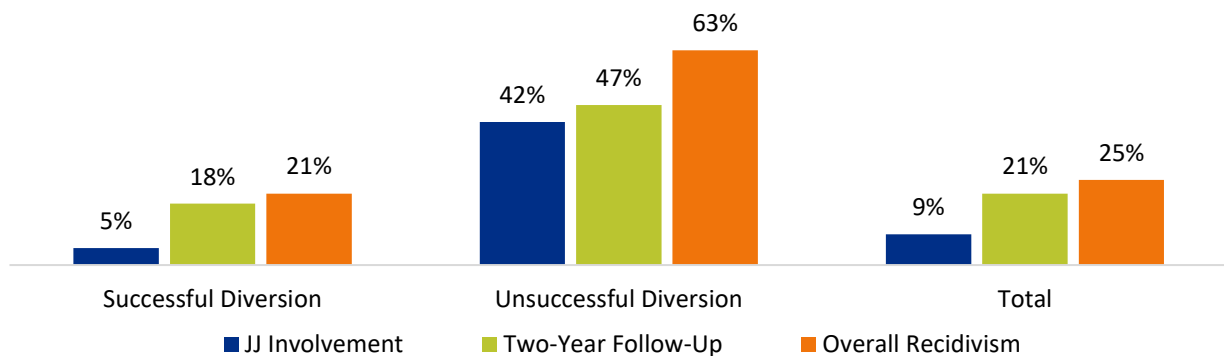


SOURCE: NC Sentencing and Policy Advisory Commission, FY 2020 Juvenile Recidivism Exit Sample

DIVERTED JUVENILES

- Of the 3,305 juveniles who exited diversion in FY 2020, most (90%) successfully completed their diversion plan or contract. Juveniles with an unsuccessful diversion (10%) had their complaint filed as a petition in juvenile court.
- Overall, 83% of diverted juveniles had no prior complaints; a higher percentage of juveniles with an unsuccessful diversion had prior complaints. Juveniles with at least one prior complaint had higher recidivism rates than those with no prior complaints. Irrespective of their prior involvement with the juvenile justice system, juveniles with an unsuccessful diversion had higher recidivism rates than juveniles with a successful diversion.
- Juveniles with an unsuccessful diversion tended to have more risk factors (e.g., running away, school behavior problems) and needs identified (e.g., mental health, history of victimization) than juveniles with a successful diversion. Correspondingly, a greater proportion of juveniles with a successful diversion were assessed as low risk and as low needs.
- Juveniles with an unsuccessful diversion had much higher recidivism rates during the follow-up periods (see Figure 2). The higher recidivism rates for juveniles with an unsuccessful diversion are not unexpected given their higher levels of risk and needs.

Figure 2
Recidivism Rates for Diverted Juveniles

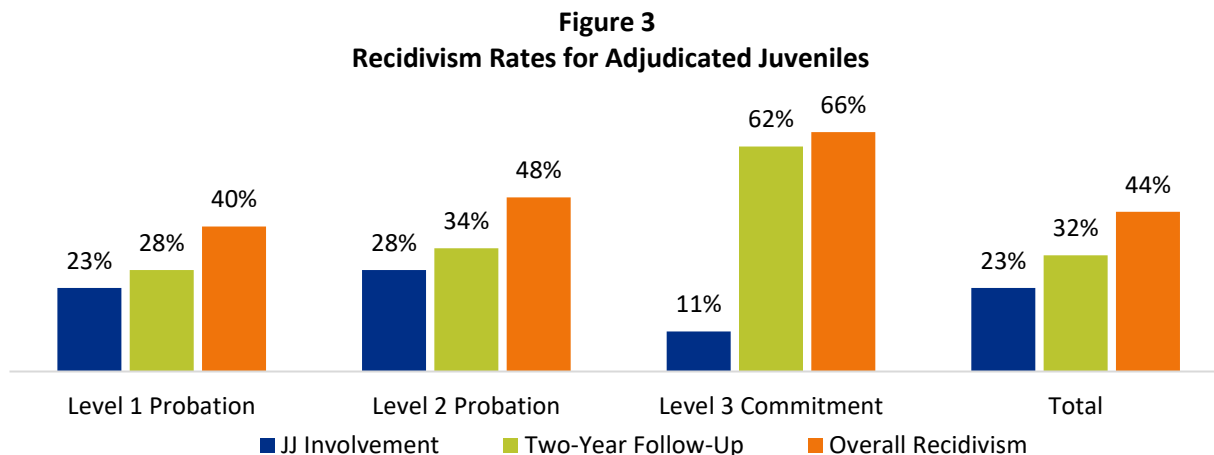


SOURCE: NC Sentencing and Policy Advisory Commission, FY 2020 Juvenile Recidivism Exit Sample

ADJUDICATED JUVENILES

- Of the 2,517 juveniles adjudicated delinquent, 2,323 exited supervised probation (1,787 with a Level 1 and 536 with a Level 2 disposition) and 194 exited a YDC facility (Level 3 disposition) in FY 2020.
- As the seriousness of the juvenile's disposition increased, the percentage of males, Black juveniles, and older juveniles increased. Prior contacts with the juvenile justice system, along with risk and needs levels, also increased. These characteristics were likely linked to higher recidivism rates.
- Most juveniles with a Level 1 disposition had a misdemeanor as their most serious adjudicated offense (93%), while over half of the Level 2 disposition group (61%) and most of the Level 3 commitment group (91%) had a felony as their most serious offense.
- The majority of juveniles on probation exited while on standard supervision (73%). Juveniles in the commitment group entered a YDC most frequently due to a new crime (51%), while few juveniles entered a YDC due to revocation of post-release supervision (8%).

- As shown in Figure 3, juveniles with Level 2 probation had the highest recidivism rates during juvenile justice involvement; committed juveniles had the lowest rates during this time period likely due to their confinement. Committed juveniles had the highest recidivism rates during the two-year follow-up, followed by juveniles in the Level 2 and Level 1 probation groups respectively.



SOURCE: NC Sentencing and Policy Advisory Commission, FY 2020 Juvenile Recidivism Exit Sample

CONCLUSIONS

- Overall, the sample size decreased 26% from the FY 2016 to the FY 2020 sample. The internal sample composition, which is important to consider as context for changes in recidivism rates, has also shifted. The proportion of juveniles in the diversion group has increased over this period (from 52% to 57%), while the proportion of juveniles in the probation group has decreased (from 45% to 40%). The proportion of committed juveniles has remained about the same.
- The lowest levels of recidivism corresponded to the least invasive systemic responses of the juvenile justice system, particularly by intervening with youth short of adjudication. These findings suggest that the most efficient investment of sufficient resources is in the community.
- A direct relationship was observed between the juveniles' assessed risk and needs and their recidivism, with recidivism generally increasing as risk and needs levels increased. In January 2021, the Division of Juvenile Justice and Delinquency Prevention (DJJDP) implemented a new risk and needs assessment tool; future studies will examine how the more individualized planning under the new (and more powerful) tool relates to recidivism rates.
- While RtA went into effect and the onset of the pandemic occurred during the FY 2020 sample timeframe, both had limited effects on the sample. RtA impacted the system in which recidivism was captured during follow-up, with most recidivist behavior captured in the juvenile system instead of the adult criminal justice system unlike previous studies. The pandemic had a considerable effect on recidivism rates during the two-year follow-up; recidivism rates decreased from 31% for the FY 2018 sample to 26% for the FY 2020 sample.

The Sentencing Commission looks forward to working collaboratively with the DJJDP to further understand the factors contributing to juvenile recidivism in North Carolina, and combining any lessons learned to make improvements to the juvenile justice system in North Carolina. Future reports will be able to examine the effect of RtA on recidivism, as well as the recovery of the system (in terms of any potential changes in recidivism) from the pandemic.

FISCAL YEAR 2020 SAMPLE JCPC PARTICIPANTS

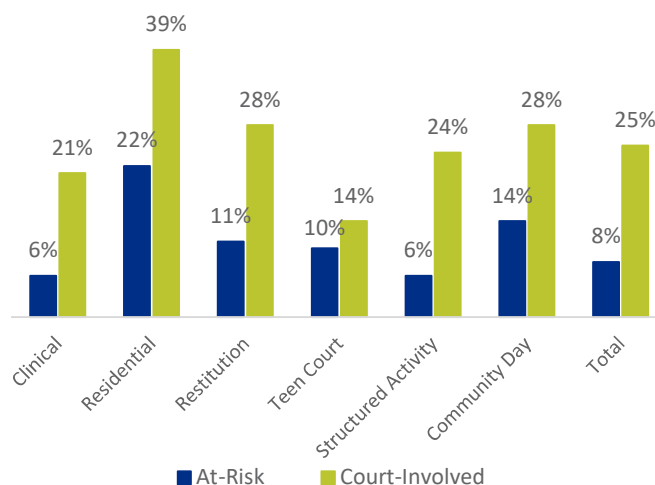
- ⇒ The study followed 11,070 juveniles who exited from a JCPC program in FY 2020.
- ⇒ Recidivism includes delinquent complaints and adult arrests during JCPC program participation, as well as a two-year follow-up period after program exit.
- ⇒ Several factors (including the pandemic and a decreasing percentage of court-involved juveniles in the sample) were noted as possible explanations for the downward trend in recidivism rates across the past three studies.

- Across all categories of JCPC programs, recidivism rates for court-involved juveniles were higher than recidivism rates for at-risk juveniles.

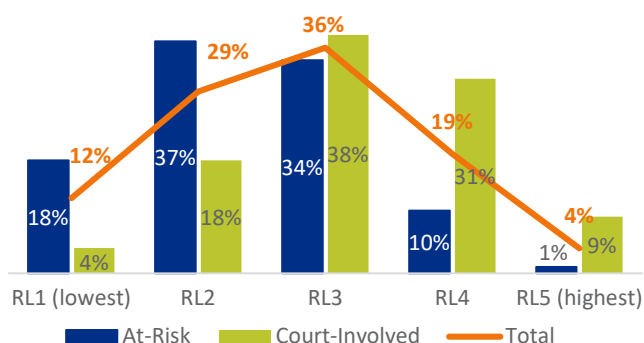
JCPC Participant Profile

- 60% of juveniles in the sample were at-risk at JCPC program entry (i.e., not currently involved with the juvenile justice system), while 40% were court-involved.
- 64% were male, nearly half (47%) were Black, and 13% were Hispanic. The average age at program entry was 14.
- Court-involved juveniles had more prior contacts with the juvenile justice system than at-risk juveniles.
- Most (89%) of the at-risk group was assessed in RL1 (lowest risk level) through RL3. Conversely, 78% of the court-involved group was assessed in RL3 through RL5 (highest risk level).

Recidivism Rates by Program Category and Legal Status: Two-Year Follow-Up

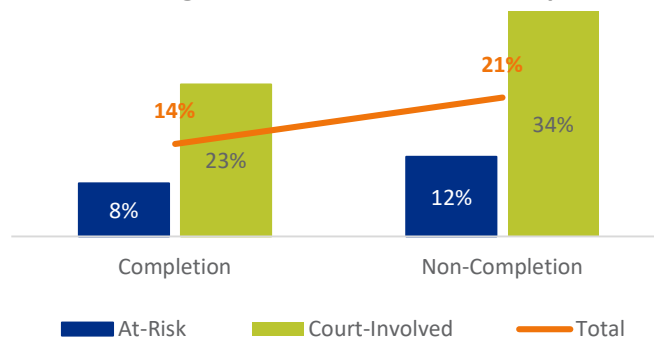


Risk Level by Legal Status



- 2% of at-risk juveniles and 9% of court-involved juveniles recidivated during their JCPC program participation.
- Overall, at-risk and court-involved juveniles had similar program completion rates. Juveniles who completed their JCPC program had lower recidivism rates than those who did not.

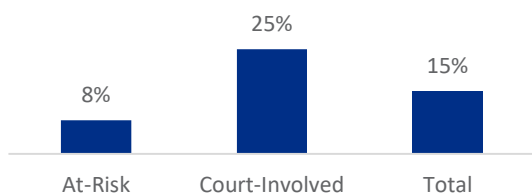
Recidivism Rates by Program Completion and Legal Status: Two-Year Follow-Up



JCPC Participant Profile and Recidivism

- 15% had at least one delinquent complaint and/or arrest during the two-year follow-up. Court-involved juveniles had higher recidivism rates than at-risk juveniles.

Recidivism Rates by Legal Status: Two-Year Follow-Up



- At-risk and court-involved juveniles with prior juvenile justice contacts had the highest recidivism rates.
- Juveniles assessed in the lowest risk level (RL1) had the lowest recidivism rates at 4% compared to juveniles assessed in the highest risk level (RL5) at 47%.

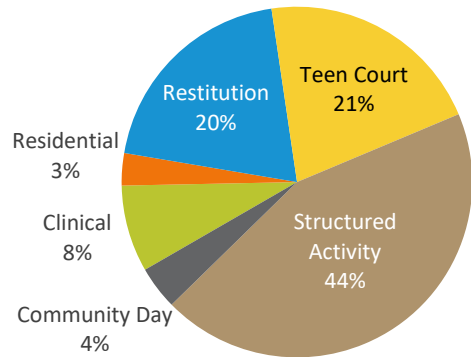
QUICK FACTS: JCPC EFFECTIVENESS STUDY

JCPC PROGRAMS

JCPC Program Profile

- 44% of juveniles were referred to their JCPC programs by the DJJDP.
- Most juveniles exited from structured activity programs followed by teen court and restitution.

JCPC Exits by Program Category

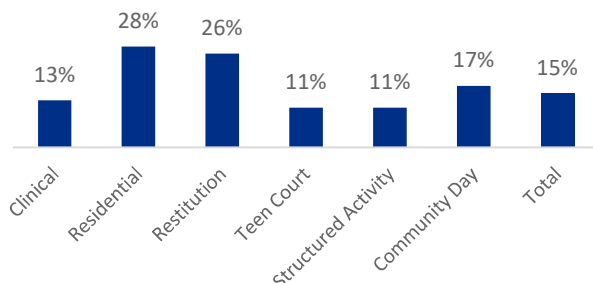


- Over 40% of juveniles in residential and restitution programs were assessed in the highest two risk levels (RL4 and RL5).
- Most juveniles completed their JCPC program (85%). Program completion rates ranged from 72% (clinical) to 90% (restitution and teen court).

JCPC Program Profile and Recidivism

- Juveniles in the Central area had the lowest recidivism rates, while juveniles in the Piedmont area had the highest (12% and 18% respectively during two-year follow-up).
- Juveniles in residential and restitution programs had the highest recidivism rates, while those in teen court and structured activity programs had the lowest.

Recidivism Rates by Program Category:
Two-Year Follow-Up



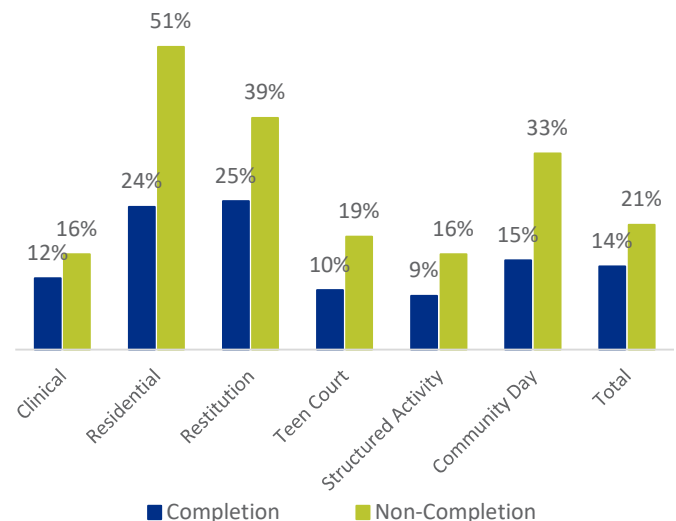
- Juveniles in clinical and structured activity programs had the highest number of days enrolled on average.
- The average number of direct service hours provided to the sample was 58.
- Overall, juveniles who received between 21 and 40 hours of direct service hours recidivated at the highest rate.

Recidivism Rates by Direct Service Hours Provided
and Program Category: Two-Year Follow-Up

| JCPC Program | ≤ 8 | 9-20 | 21-40 | > 40 |
|---------------------|------------|------------|------------|------------|
| Clinical | 14% | 10% | 13% | 20% |
| Residential | -- | -- | 29% | 28% |
| Restitution | 25% | 24% | 26% | 31% |
| Teen Court | 11% | 11% | 11% | -- |
| Structured Activity | 13% | 11% | 13% | 8% |
| Community Day | 28% | 10% | 15% | 21% |
| Total | 14% | 14% | 17% | 15% |

- Across program categories, juveniles with prior complaints had substantially higher recidivism rates than those with no prior complaints.
- Program completion was associated with lower levels of recidivism across all program categories.

Recidivism Rates by Program Completion
and Program Category: Two-Year Follow-Up



Note: Direct comparisons between recidivism rates in this report and reports prior to 2019 cannot be made due to methodological differences.
SOURCE: NC Sentencing and Policy Advisory Commission, FY 2020 JCPC Exit Sample

NC Sentencing and Policy Advisory Commission
PO Box 2448 | Raleigh, NC 27602
(919) 890-1470

The Honorable Charlie Brown, Chairman
Michelle Hall, Executive Director

For the NC Sentencing and Policy Advisory Commission's *JCPC Effectiveness Study: FY 2020 Juvenile Sample* and all other publications, see the Commission's website: www.NCSPAC.org.

EFFECTIVENESS OF PROGRAMS FUNDED BY JUVENILE CRIME PREVENTION COUNCILS: YOUTH EXITING JCPC PROGRAMS IN FY 2020

MAY 1, 2023

SUBMITTED PURSUANT
TO N.C. GEN. STAT. §
164-49 (2022)

THE HONORABLE CHARLIE BROWN
CHAIRMAN

MICHELLE HALL
EXECUTIVE DIRECTOR



www.ncspac.org

EXECUTIVE SUMMARY

2023 JCPC EFFECTIVENESS STUDY

In the 2009 Session of the North Carolina General Assembly, the legislature amended Chapter 164 of the General Statutes to direct the North Carolina Sentencing and Policy Advisory Commission (hereinafter “Sentencing Commission”) to prepare biennial reports on the effectiveness of programs receiving Juvenile Crime Prevention Council (JCPC) funds. The 2023 report, which marks the seventh biennial report, employed the same methodology as the 2019 and 2021 reports by using an exit sample with juveniles tracked for recidivism (i.e., delinquent complaints and/or adult arrests) during their participation in a JCPC program, in addition to a fixed two-year period following their JCPC program exit. While Raise the Age (RtA) and the COVID-19 pandemic had limited impacts on the FY 2020 sample itself, several factors (including the pandemic) were noted as possible explanations for the downward trend in recidivism rates across the past three studies.

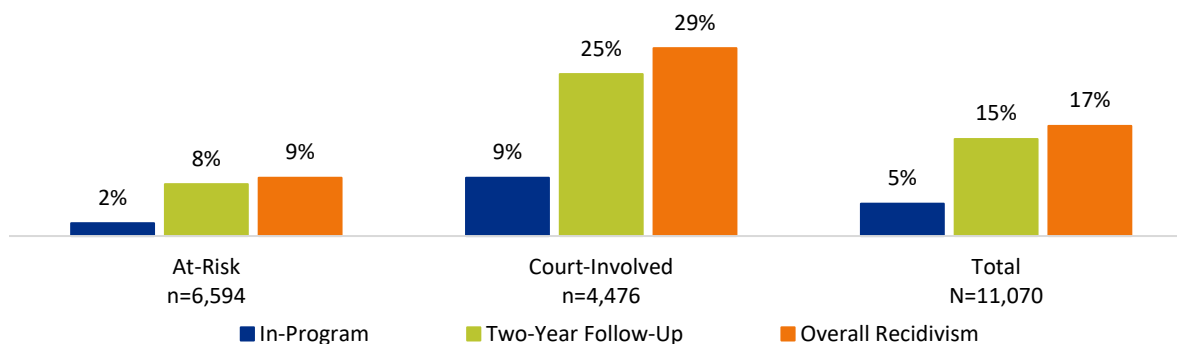
The Executive Summary highlights the key findings and conclusions from the 2023 report.

FY 2020 JCPC EXIT SAMPLE

JCPC Participant Profile and Recidivism

- The report examined 11,070 juveniles who exited from JCPC programming in FY 2020 based on their legal status at program entry – 60% were at-risk (i.e., not currently involved with the juvenile justice system) and 40% were court-involved.
- Generally, at-risk juveniles had lower risk scores than court-involved juveniles. Most (89%) of the at-risk group was assessed in RL1 (lowest risk level) through RL3. Conversely, 78% of the court-involved group was assessed in RL3 through RL5 (highest risk level).
- Overall, at-risk juveniles had longer average lengths of participation in JCPC programs than court-involved juveniles in terms of face-to-face days and direct service hours. Both groups completed their programs at the same rate (85%).
- As shown in Figure 1, court-involved juveniles had higher recidivism rates than at-risk juveniles, with most recidivism occurring during the two-year follow-up period. Twenty-nine percent (29%) of court-involved juveniles recidivated during their JCPC program and/or during the two-year follow-up (i.e., overall recidivism) compared to 9% of at-risk juveniles.
- Juveniles in the Central area of the state had the lowest recidivism rates during the two-year follow-up period, while juveniles in the Piedmont area had the highest (12% and 18% respectively).
- Regardless of legal status, juveniles who were male, Black, or 15 years old had the highest recidivism rates within their respective sex, race/ethnicity, and age categories.
- The lowest risk (RL1) juveniles had the lowest recidivism rates (4%) compared to the highest risk (RL5) juveniles (47%), with incremental increases in rates between the middle three risk levels. Regardless of risk level, court-involved juveniles had higher recidivism rates than at-risk juveniles.

Figure 1
Summary of Recidivism Rates for At-Risk and Court-Involved Juveniles

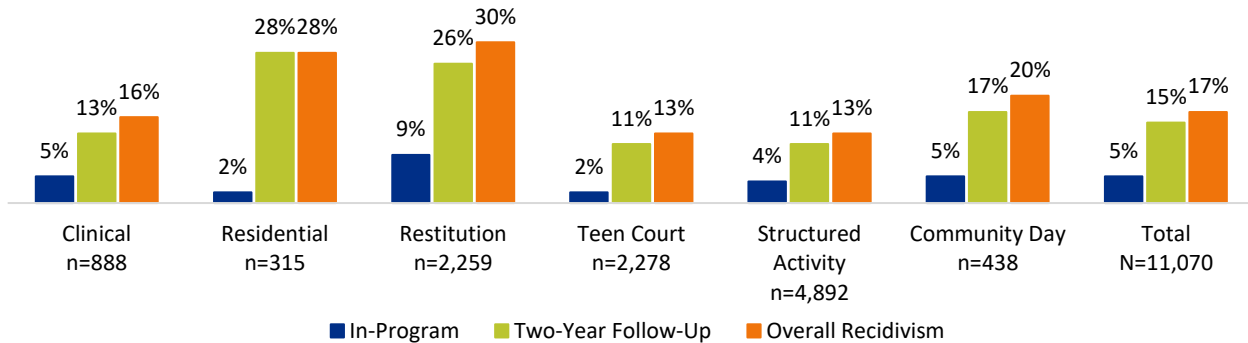


SOURCE: NC Sentencing and Policy Advisory Commission, FY 2020 JCPC Exit Sample

JCPC Program Profile and Recidivism

- The report also examined the 11,070 juveniles who exited from JCPC programming in FY 2020 by their program category: clinical treatment, residential services, restitution/community service, teen court/mediation/conflict resolution, structured activities, and community day programs.
- The highest percentage of juveniles (44%) were referred to their JCPC programs by the Division of Juvenile Justice and Delinquency Prevention (DJJDP). The highest percentage exited from structured activity programs (44%), followed by teen court (21%) and restitution programs (20%).
- Clinical (58%) and residential programs (54%) were the only programs that were less than 60% male. Black juveniles comprised the highest percentages of all programs except for clinical (53% White). Juveniles in structured activity programs were younger compared to juveniles in other program categories (43% aged 12 years or less).
- As shown in Figure 2, juveniles in restitution programs had the highest in-program recidivism rate. Juveniles in residential and restitution programs had the highest recidivism rates during the two-year follow-up; teen court and structured activity programs had the lowest recidivism rates during the two-year follow-up. The profile of juveniles served by each program differed (e.g., age, risk level, legal status) and should be considered when comparing recidivism rates.
- Limited variation in recidivism rates by direct service hours was found for juveniles in residential and teen court programs. Greater variation was found for juveniles who exited from community day and clinical programs.
- Program completion rates ranged from a low of 72% (clinical) to a high of 90% (restitution and teen court). Across all program categories, juveniles who completed their JCPC programming had much lower rates of recidivism than those who did not complete their program.
- Among the at-risk group, juveniles in clinical and structured activity programs had the lowest recidivism rates. Among the court-involved group, juveniles in teen court and clinical programs had the lowest recidivism rates. Residential programs had the highest recidivism rates for both at-risk and court-involved juveniles.

Figure 2
Summary of Recidivism Rates for JCPC Programs



SOURCE: NC Sentencing and Policy Advisory Commission, FY 2020 JCPC Exit Sample

CONCLUSIONS

- Although court-involved juveniles had higher recidivism rates compared to the at-risk group, when examining outcomes by prior contact with the juvenile justice system (i.e., prior complaint, no prior complaint), the difference in the rates of recidivism between these groups was minimal. These findings point to the strong association between both prior contact and deeper involvement in the system with recidivism. These results are also consistent with research suggesting the least invasive intervention should be used in response to delinquent behavior, as deeper involvement in the system tends to lead to worse outcomes.
- JCPC program completion was associated with lower levels of recidivism, with completers having much lower rates overall compared to their non-completing counterparts. This finding held for all programs and regardless of whether juveniles were at-risk or court-involved. Efforts to ensure program completion may continue to yield positive outcomes for program participants.
- Regardless of program intervention or legal status, juveniles with higher levels of assessed risk had higher recidivism rates. These findings indicate the validity of the assessment tool in its prediction of future behavior.
- This study found low rates of recidivism for juveniles exiting JCPC programs. Such low rates of recidivism for both at-risk and court-involved juveniles should be considered a success for both JCPC programs and the juvenile justice system.
- While RtA went into effect and the onset of the pandemic occurred during the FY 2020 sample timeframe, both had limited effects on the sample. The effect of the pandemic on recidivism rates was difficult to ascertain when comparing decreases in rates across the past three studies; however, an examination of recidivism rates by quarter of JCPC program exit suggested that the pandemic was one of the factors at play with the lower rates found for this study. Other possible explanations included a continued decrease in the percentage of court-involved juveniles in the sample, along with a decrease in the percentage of juveniles with prior complaints and at the highest risk levels.

The Sentencing Commission looks forward to working collaboratively with the DJJDP to further understand the effectiveness of JCPC programs and combining any lessons learned to make improvements to the delivery of services for juveniles in North Carolina. Future reports will be able to examine the effect of RtA on recidivism, as well as how recidivism rates change as more time passes from the most acute phases of the pandemic.