

Juvenile Justice in NC: A Historical Perspective

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Treatment of Juveniles in Early America



- no separate court
- children treated much like adults

First special attention was in corrections:

- houses of refuge; pardons
- rehabilitation and discipline
- industrial and reform schools



Stonewall Jackson Manual Training and Industrial School

- opened in 1909
- youth still were tried in criminal court
- judge could commit those under 16 for indefinite period of time



Early practice followed English common law:

- up to age 7 –
conclusive presumption that child was incapable of criminal intent
- age 7 to 14 –
rebuttable presumption that child incapable of criminal intent
- over age 14 –
always prosecuted and punished as adult



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1915 – Probation Courts Act

- special jurisdiction for “delinquent” and “dependent” children under 18
- separated juvenile and adult probation and detention
- relied on counties for funding
- repealed in 1919






1919 – Juvenile Court Act

- “delinquent” defined as under age 16
- jurisdiction could continue to age of majority
- court could transfer felony case of 14- or 15-year-old to superior court






The 1919 Juvenile Court Act applied to children who were

<ul style="list-style-type: none"> • delinquent • neglected • dependent • truant • unruly • wayward • abandoned 	<ul style="list-style-type: none"> • misdirected • disobedient to parents or beyond their control • destitute or homeless • in danger of becoming so
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1919 Juvenile Court Act

- In every case, the issue was:
“Is the child in need of the care, protection, or discipline of the state?”
- Procedures were informal.
- In many respects, resembled later juvenile codes.






1919 to 1969: *Parens Patriae* Ruled

- laws held constitutional
- juveniles viewed as wards of state
- cases recognized as “civil,” not “criminal”
- benevolent purposes used to justify
 - informality
 - broad judicial discretion
- lawyers rarely involved



U.S. Supreme Court

- 1966 *Kent v. U.S.*
 - due process in transfer hearing
- 1967 *In re Gault*
 - due process at adjudication
 - written notice to child and parents
 - right to counsel
 - privilege against self-incrimination
 - rights of confrontation, sworn testimony, cross-examination
- 1970 *In re Winship*
 - proof beyond a reasonable doubt



Juvenile Code rewrites in 1970 and 1980

- added due process protections
- cases look more like criminal cases
- distinguished undisciplined and delinquent
- expanded dispositional options
- lowered undisciplined age to 16
- added emancipation and expungement



1994 Special Crime Session

1. lowered from 14 to 13 the age at which
 - probable cause hearings required in all felony cases
 - transfer to superior court allowed
2. allowed use of Class A – E felony adjudications in criminal cases,
 - under Rule 404(b) (other crimes, wrongs, acts)
 - as aggravating factor at sentencing



1997-1998:
Governor's Commission on Juvenile Crime and Justice
1999 Juvenile Code: G.S. Chapter 7B

- separate subchapter for “delinquent and undisciplined”
- expanded dispositional jurisdiction age
- restructured dispositional options
- raised undisciplined age back to 18



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Youth Accountability Task Force

- created by legislature to study raising juvenile delinquency age to 18
- 2011 final recommendations and proposed legislation
- Two bills introduced
 - H 632
 - S 506



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U.S. Supreme Court

- **1989: Stanford v. Kentucky**
Capital punishment for crime committed at age 16 or 17 did not violate evolving standards of decency and did not constitute cruel and unusual punishment.
- **2005: Roper v. Simmons**
Execution of persons who were under age 18 at the time of their capital crimes is prohibited by Eighth and Fourteenth Amendments.

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U.S. Supreme Court

- **2010: Graham v. Florida**
Constitution does not permit sentencing a juvenile offender to life in prison without parole for a non-homicide crime.
- **2011: J.D.B. v. North Carolina**
Age is a relevant factor in determining whether a juvenile is “in custody” for purposes of custodial interrogation.

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