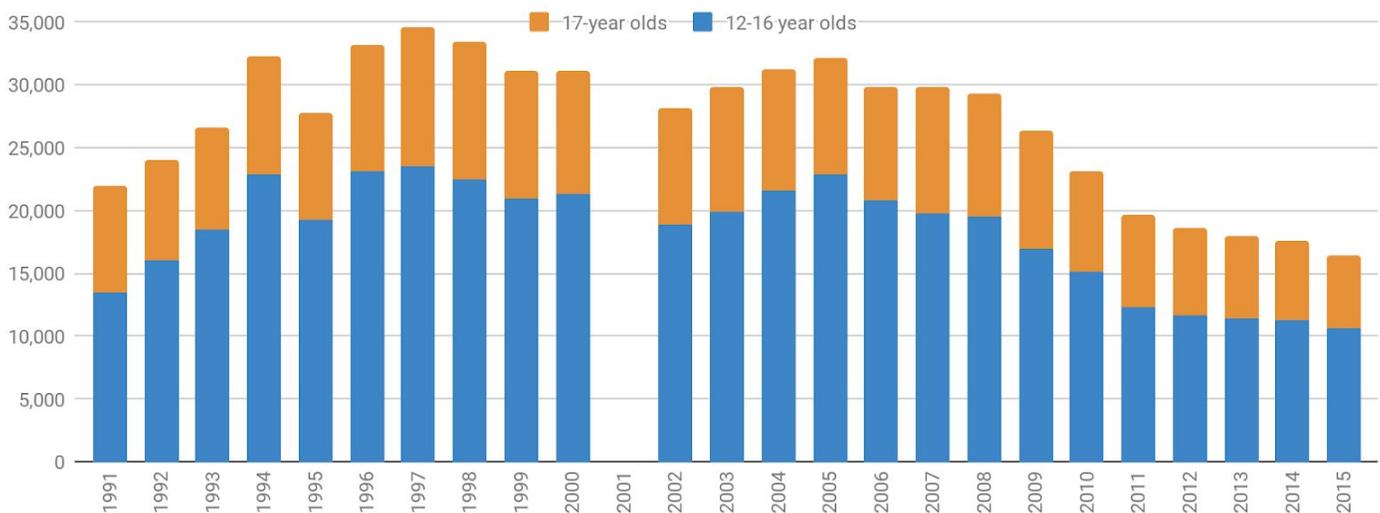


Raise the Age

BACKGROUND. In 2016, South Carolina became the 41st state in the country to pass legislation to raise the age of juvenile court jurisdiction to 18.¹ Over the past two years, Louisiana, New York, North Carolina, and Missouri have each passed legislation to do the same. Section 12 of Act 268, provides that raise the age will be implemented on July 1, 2019 “contingent upon the Department of Juvenile Justice having received any funds that may be necessary for implementation.”

BUDGETING RTA. States that have implemented Raise the Age in the past decade experienced significant declines in juvenile offending. The real expense of implementation was much lower than anticipated.² In 2017, the Department of Juvenile Justice (DJJ) estimated that the agency would need a new \$9 million detention center and a new \$12 million evaluation center to implement Act 268.³ However, the long-term declines in youth offending demonstrate that capacity exists in existing facilities (See graph).

How will the addition of 17-year olds impact the Family Court system?



YOUTH ARRESTS IN SOUTH CAROLINA HAVE FALLEN BY HALF. The drop in arrests shown in the graph has rippled through the Family Court system, resulting in fewer referrals and fewer youth in detention, in secure evaluation, on probation, and in long-term confinement.⁶

- Since 2005, 42 out of 46 counties have seen fewer arrests of 12- to 16-year olds; 24 of these counties (including the state’s five largest) have had their juvenile arrest counts reduced by half.

WHY RAISE THE AGE. Youth adjudicated in the adult system are more likely to commit future offenses, and particularly more likely to commit the most violent offenses, when compared with peers adjudicated in the juvenile system for equivalent offenses.

- “Research consistently shows lower recidivism rates in the juvenile justice system than in the criminal justice system.”⁴
- Giving South Carolina’s 17-year olds an adult record puts them at a disadvantage with peers from other states, burdening them with adult arrest records, just one of hundreds of collateral consequences.⁵

17-YEAR OLD OFFENDING IS MOSTLY LOW-LEVEL. According to data collected by the SC Court Administration, more than **60 percent** of all warrants issued to 17-year olds were for Unclassified Misdemeanors.

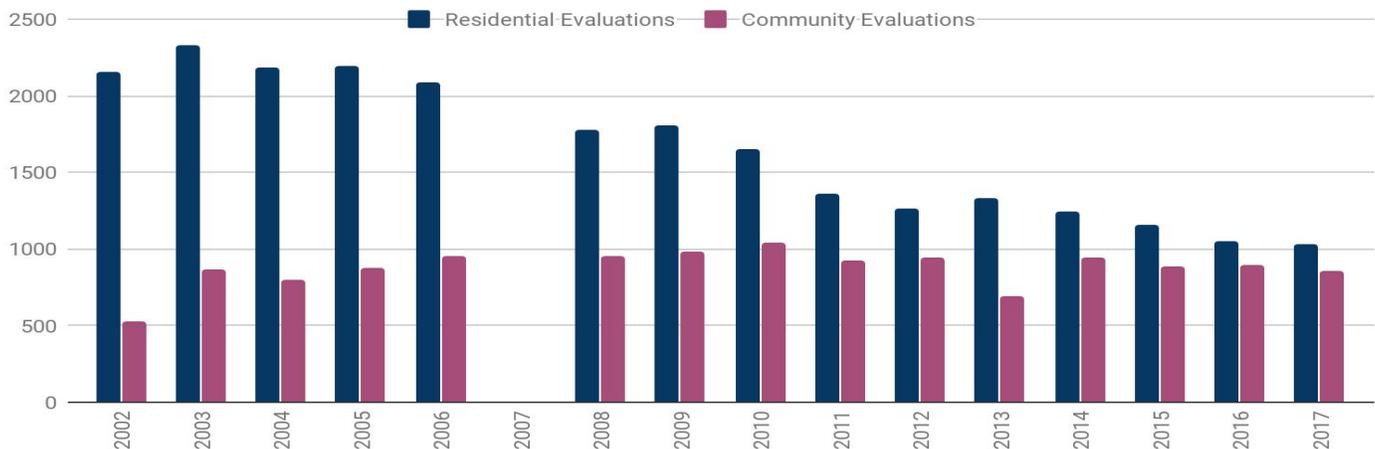
SC CAN DETAIN FEWER KIDS WHILE INCREASING PUBLIC SAFETY. Since 2011, the number of youth referred to County Solicitors has declined by **25 percent**, yet the total number of youth in detention has increased by **4 percent**.

- Two-thirds of these youth are held for less than a week.
- Only **37 percent** of detained youth were referred on felony-level offenses. There is no need for a new detention center if youth charged with low-level offenses or status offenses were not detained.⁶
- Putting youth charged with low-level offenses and status offenses in detention exposes them to peers with serious or violent charges which could result in negative peer influences and higher recidivism.⁷

SC CAN SAVE MONEY BY EVALUATING YOUTH IN THEIR COMMUNITIES. Using residential evaluations instead of community evaluations is costly to the state and can negatively impact the educational and employment opportunities of youth.

- South Carolina has increased the proportion of evaluations taking place in the community, and the number of residential evaluations declined by **50 percent** from FY06-07 to FY16-17. **There is no need for a new \$12 million residential evaluation center.**
- At the same time, the budget for residential evaluation has increased by **26 percent**. As a result of these two trends, the cost of a **residential evaluation increased from approximately \$3,400 per residential evaluation to \$8,600.**

The Use of Residential Evaluations Has Declined



A BETTER PATH FORWARD

- South Carolina can cost-effectively implement raise the age by including language in the budget to limit the detention and secure evaluation of youth charged with misdemeanor offenses and status offenses, thereby reducing the detained population, creating space for 17-year olds with serious offenses, and eliminating the purported need to build costly new facilities.
 - Kansas's cuts to residential placement of youth is estimated to yield **\$72 million** over the next five years that is being re-invested into community programs for youth.⁹
 - West Virginia cutting the number of committed youth by 16% over 5 years will save **\$20 million**.¹⁰
 - Reducing youth incarceration in Virginia resulted in a decrease of operating expenses from **\$248 million in 2007 to \$203 million in 2016**.¹¹

[1] The Raise the Age bill, sponsored by Senator Gerald Malloy, was introduced as S.916 and unanimously passed the Senate on April 27, 2016. It was amended and unanimously passed the House on May 4, 2016, and again unanimously passed the Senate on May 24, 2016. S.916 was signed by Governor Nikki Haley on June 6, 2016, and assigned Act 268.

[2] Justice Policy Institute (2017). Raise the Age. Available: <http://www.justicepolicy.org/research/11239>

[3] DJJ Budget Plan for Fiscal Year 2018-2019. (The Budget Plan for Fiscal Year 2019-2020 is not yet available to the public.)

[4] Howell, J. C., Feld, B. C., Mears, D. P., Petechuk, D., Farrington, D. P. and Loeber, R. (2013) Young Offenders and an Effective Response in the Juvenile and Adult Justice Systems: What Happens, What Should Happen, and What We Need to Know. Washington, D.C.: U.S. National Institute of Justice (NCJ 242935), p. 10-11.

[5] The National Inventory of Collateral Consequences itemizes 714 separate collateral consequences for people convicted of crimes in South Carolina. See: <https://niccc.csgjusticecenter.org/search/?jurisdiction=5>

[6] Publicly available data provided by DJJ (see: <http://www.state.sc.us/djj/fact-sheets.php>), South Carolina Law Enforcement Division (see: <http://www.sled.sc.gov/SCCrimeBooks.aspx?MenuID=CrimeReporting>) and provided directly to the South Carolina Raise the Age Coalition by DJJ. Files available upon request.

[7] Holman, Barry and Ziedenberg, Jason (2013) "The Dangers of Detention: The Impact of Incarcerating Youth in Detention and Other Secure Congregate Facilities," p. 5. Baltimore, Maryland: Annie E. Casey Foundation. Available: <https://www.aecf.org/resources/the-dangers-of-detention/>

[8] Section 10 Act 268 required South Carolina Courts Administration (CA) to report on the impact of the law on South Carolina's Family and Criminal Courts. The CA Report found 5652 17-year olds who had charges filed against them in FY2016-2017 and that 4670 were charged with ordinance violations or misdemeanors. More than 60 percent of all warrants issued to 17-year olds were for Unclassified Misdemeanors.

[9] The Pew Charitable Trust (2017) "Kansas 2016 Juvenile Justice Reform." Washington, DC: Author. Available <https://www.pewtrusts.org/en/research-and-analysis/issue-briefs/2017/06/kansas-2016-juvenile-justice-reform>

[10] The Pew Charitable Trust (2016) "West Virginia's 2015 Juvenile Justice Reform." Washington, DC: Author. Available <https://www.pewtrusts.org/-/media/assets/2016/05/west-virginias-2015-juvenile-justice-reform.pdf>

[11] Durnan, Julia and Harvell, Samantha. (2017). "Data Snapshot of Youth Incarceration in Virginia." Washington, DC: The Urban Institute. Available https://www.urban.org/sites/default/files/publication/91566/data_snapshot_of_youth_incarceration_in_virginia_0.pdf