June 6, 2024

The Honorable Governor Roy Cooper  
North Carolina Office of the Governor  
20301 Mail Service Center  
Raleigh, NC 27699-0301  

Dear Governor Cooper,

On behalf of the National Youth Justice Network, I am writing to express my deep concern and opposition to House Bill 834, which would lower the age of juvenile court jurisdiction from 18 to 16 years old for children charged with Class A-E felonies in North Carolina, causing all of these children to be treated as if they were adults. I respectfully urge you to veto this bill.

As you consider the true impact of this legislation, I would like to clear up some misconceptions about what this bill would do and provide another avenue to consider to more effectively enhance public safety.

**Prosecuting youth as adults threatens public safety.** Decades of scientific evidence and practical experience across the country have overwhelmingly demonstrated that prosecuting children as adults is both dangerous and profoundly ineffective. Teens sent to adult jails and prisons face significant risks of violence, gang involvement, and sexual assault, which can exacerbate any underlying issues that they have and, as studies have shown, increases the likelihood of recidivism compared to youth with comparable offenses that remain in the juvenile system.

**The assertion that these changes will only affect a small number of cases does not justify the potential harm.** Each young person sent to the adult system faces the risk of lifelong consequences, including trauma and diminished opportunities for rehabilitation. This overwhelmingly impacts youth of color, exacerbating existing racial disparities in the justice system. As of March 2024, over 90% of the children held in the Youth Block at Foothills Correctional Institution were non-white.

**This is not simply a procedural remedy but a deliberate attempt to weaken judicial oversight and bypass the safeguards established in juvenile courts.** Supporters of the bill suggest that this will streamline the process for kids who would be transferred to the adult system anyway; however, redefining 16 and 17-year-olds as “adults” removes the critical step of judicial oversight necessary to ensure individualized consideration for each case. This approach not only eviscerates the Raise the Age bill but also goes against the principles of due process that should guide our legal system.
There are numerous unresolved issues about how this change would be practically implemented without violating civil rights and other federal laws. Rather than being a simple ‘procedural fix,’ this short-sighted change actually creates a slew of other policy and fiscal complications, from blurry reverse transfer options to ensuring ‘sight and sound’ separation in adult jails and prisons to delivering special education services to young people with disabilities who are incarcerated as adults. If this change is going to happen, it needs much more time and deliberation.

Developmentally-appropriate interventions are far more effective at improving public safety. Research shows that youth who are able to access the range of services available through the juvenile justice system are more likely to graduate, go to college, and be employed as adults, and significantly less likely to reoffend compared to those processed through the adult criminal system.

Sending more youth to prison without more services for those youth would be a public policy catastrophe. Former Commissioner W. David Guice implemented the Youthful Offender Policy in 2016 which required programming, the end of solitary confinement for kids, access to family, and other important improvements. After Commissioner Guice left and during the height of COVID, the Youthful Offender Policy was rescinded. What is in place now does not address the developmental needs of the population.

I urge you to reconsider making this unnecessary change and, instead, work towards policies that support violence intervention, restorative justice, rehabilitation, and reintegration of our youth. Let us build on the progress made and continue to move towards a more just and effective youth justice system that truly protects our communities.

Thank you for your attention to this critical issue.

Sincerely,
Tracey Tucker
Executive Director, National Youth Justice Network

The National Youth Justice Network (NYJN) builds the movement for anti-racist, healing-centered youth justice. We unite a diverse network of advocates and organizers to shift youth justice away from policing and prisons toward community-based, trauma-informed and healing-centered responses to youth needs. Our work centers the needs of the most marginalized, and we seek a reimagined future where Black, Brown, Indigenous, LGBTQIA+ youth, and youth with disabilities have the freedom, resources and opportunities necessary to thrive.

For more information, visit www.nyjn.org.