

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2017

Legislative Fiscal Note

BILL NUMBER: House Bill 280 (First Edition)

SHORT TITLE: Juvenile Justice Reinvestment Act.

SPONSOR(S): Representatives McGrady, Lewis, Duane Hall, and S. Martin

| FISCAL IMPACT | | | | | |
|----------------------------|--|------------------------------------|---|-------------------|-------------------|
| (\$ in millions) | | | | | |
| | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No | <input type="checkbox"/> No Estimate Available | | |
| State Impact | FY 2017-18 | FY 2018-19 | FY 2019-20 | FY 2020-21 | FY 2021-22 |
| General Fund Revenues: | \$0 | \$0 | \$0 | \$0 | \$0 |
| General Fund Expenditures: | \$25.3 | \$0.0 | \$29.5 | \$44.3 | \$44.4 |
| Special Fund Revenues: | \$0 | \$0 | \$0 | \$0 | \$0 |
| Special Fund Expenditures: | \$0 | \$0 | \$0 | \$0 | \$0 |
| State Positions: | 0.0 | 0.0 | 277.0 | 460.5 | 460.5 |
| NET STATE IMPACT | (\$25.3) | \$0.0 | (\$29.5) | (\$44.3) | (\$44.4) |

PRINCIPAL DEPARTMENT(S) & PROGRAM(S) AFFECTED: Department of Public Safety, Administrative Office of the Courts, Indigent Defense Services

EFFECTIVE DATE: Part I of the this act becomes effective December 1, 2019, and applies to offenses committed on or after that date. Part II and Section 3.1 of this act become effective July 1, 2017, and Part II applies to all complaints filed on or after that date.

TECHNICAL CONSIDERATIONS:
Yes - See Technical Considerations Section

FISCAL IMPACT SUMMARY

The bill will have a fiscal impact. The tables below show the total estimated costs and FTE requirements over the next five fiscal years to the Department of Public Safety, the Administrative Office of the Courts, and Indigent Defense Services. Please see the Assumptions and Methodology section for additional information.

| Summary of Total Funding Required FY 2017-18 through FY 2021-22 | | | | | |
|--|---------------------|-----------------|---------------------|---------------------|---------------------|
| Fiscal Year | FY 17-18 | FY 18-19 | FY 19-20 | FY 20-21 | FY 21-22 |
| Department of Public Safety | \$0 | \$0 | \$22,505,685 | \$41,608,112 | \$41,664,198 |
| Indigent Defense Services | \$0 | \$0 | \$212,718 | \$364,618 | \$364,618 |
| Administrative Office of the Courts | \$0 | \$0 | \$1,277,916 | \$2,403,991 | \$2,449,523 |
| Subtotal Operating Costs | \$0 | \$0 | \$23,996,319 | \$44,376,721 | \$44,478,339 |
| Department of Public Safety Capital Costs | \$25,307,000 | \$0 | \$5,580,000 | \$0 | \$0 |
| Total Cost All Agencies Operating and Capital | \$25,307,000 | \$0 | \$29,576,319 | \$44,376,721 | \$44,478,339 |

| Summary of Total FTE Required | | | | | |
|--------------------------------------|-----------------|-----------------|-----------------|-----------------|-----------------|
| Fiscal Year | FY 17-18 | FY 18-19 | FY 19-20 | FY 20-21 | FY 21-22 |
| Department of Public Safety | 0.0 | 0.0 | 253.5 | 437.0 | 437.0 |
| Administrative Office of the Courts | 0.0 | 0.0 | 23.5 | 23.5 | 23.5 |
| Total FTE All Agencies | 0.0 | 0.0 | 277.0 | 460.5 | 460.5 |

BILL SUMMARY

Part I of this bill make changes to various statutes to increase the age of juvenile jurisdiction to include 16- and 17-year-olds, except for Class A-E felonies and traffic offenses. Specifically:

- Section 1.1 amends G.S. 7B-1501(7) to define delinquent juveniles as including individuals who are at least 16 but less than 18 years old at the time the crime is committed. This excludes traffic violations or those who commit indirect contempt.
- Section 1.2 specifies that juvenile courts retain jurisdiction over those younger than 16 at the time of offense until they reach the age of 18; over 16-year-olds until they are 19; and over 17-year-olds until they are 20, with additional specifications for dismissing these cases when they cannot be concluded before the juvenile reaches the appointed age.
- Section 1.3 provides technical corrections.
- Section 1.4 allows those 16 and older to be released without the presence of a parent, guardian, or custodian. Existing statute requires charged juveniles to be released into parental, guardian, or custodian custody.
- Sections 1.5 and 1.6 provide for the procedures applicable to transferring a juvenile to superior court depending on the age of the juvenile at the time of committing the offense and the class of the felony. These sections require individuals who are 16 or older and who are alleged to have committed a Class A-E felony to be transferred to superior court. Juveniles in this age range who commit Class F-I felonies may be transferred to superior court upon such a motion.
- Sections 1.7 and 1.8 provide technical corrections.

- Section 1.9 adjusts point allocation for scoring delinquency history along with technical corrections related to individuals in the age category who may have an existing conviction as an adult but who must be considered juveniles upon passage of this bill.
- Section 1.10 adjusts possible Youth Development Center (YDC) assignment maximums for juveniles in the new age brackets. 16-year-olds may only be held in YDCs until their 19th birthday and 17-year-olds until their 20th birthday.
- Sections 1.11 through 1.19 make technical corrections.
- Section 1.20 requires the Division of Juvenile Justice to provide transportation to all juveniles from local jails to juvenile detention centers.

Part II of this bill provides for a victim's right to request a review by a prosecutor of the decision by a juvenile court counselor not to file a petition in juvenile court. Current law gives this right to the complainant, who may or may not be the victim. Section 2.4 requires the Division of Juvenile Justice to develop a system to provide more information to complainants and victims about dismissed, closed, and diverted complaints.

Part III authorizes juvenile court counselors to provide information in the juvenile's record to a law enforcement officer to allow the officer to exercise discretion in handling an incident that could result in the filing of a complaint. Section 3.3 also requires the Administrative Office of the Courts (AOC) to expand access to the Division's electronic information management system, JWisE, to provide limited access to electronic records related to juvenile delinquency information. AOC is also directed to add a statewide search function to JWisE.

Part IV directs local boards of education and law enforcement agencies to develop school-justice partnerships with the goal of reducing school-based referrals to juvenile court.

Part V requires the Criminal Justice Education and Training Standards Commission to develop and implement a statewide plan for regular law enforcement officer training in juvenile justice issues.

Part VI establishes an Advisory Committee consisting of 27 members representing various leadership positions and interested parties in the juvenile justice system. An initial report from the Committee on implementation steps and funding for the changes under this bill must be submitted to the General Assembly by January 1, 2018. In addition, annual reports would be filed by January 15 of each year on implementation and recommendations until the filing of the final report by January 15, 2023. The Committee shall terminate on February 1, 2023, or upon the filing of its final report, whichever occurs earlier.

Part VII contains the effective dates. Part I applies to offenses committed on or after December 1, 2019. Part II and Section 3.1 would be effective July 1, 2017, with the remainder of the bill becoming effective when the bill becomes law. Part II also applies to all complaints filed on or after July 1, 2017.

Background on the Current Juvenile System

There are significant differences between the juvenile and adult criminal justice systems. The Department of Public Safety, Division of Adult Correction (DAC) has no involvement in arrest, court, or sentencing decisions. Once an individual is sentenced, DAC has some discretion in the

actual length of time served, but cannot alter the minimum or maximum length of a sentence. DAC determines the prison facility where the individual will serve their sentence and the level of custody (minimum, medium, or close) they will serve.

The Department of Public Safety, Division of Juvenile Justice (DJJ), on the other hand, has broad discretion from the time that the court counselor receives a complaint. DJJ employs court counselors who oversee all juvenile complaints. The court counselor decides whether to file a juvenile petition (for serious delinquency cases, the counselor *must* approve the filing of a petition), dismiss the complaint, or divert the juvenile into a community program. The court counselor also recommends a disposition to the court. Under G.S. 7B, Juvenile Code, juveniles committed to a youth development center (YDC) are committed for a term of at least six months (with some exceptions) up to the age of 21, at the discretion of the Division. DJJ may also release juveniles for home visits.

The Juvenile Code (G.S. 7B) provides that juveniles are committed to DJJ and shall be placed in a YDC that "would best provide for the juvenile's needs." After an assessment, if the Division decides a setting other than a YDC or Detention Center is better for the juvenile, the court counselor files a motion with the court detailing the recommendation for an alternative placement.

After the minimum six-months, the juvenile's commitment status is under the discretion of DJJ, but they can only hold the juvenile up to their 21st birthday. In contrast, in the adult system active prison sentences have a range from a minimum to a maximum sentence. All prisoners start their incarceration period serving the maximum sentence and earn time credit toward their minimum based upon their behavior and other factors.

| Major Differences between Adult & Juvenile Criminal Justice Systems | | |
|--|--|---|
| Item | Adult | Juvenile |
| Point of Entry | Arrests by law enforcement officer | Complaints from law enforcement officer and citizens |
| Court Venue | Superior Court & District Court | District Court only |
| Court Proceeding | Trial | Adjudicatory hearing |
| Trial/Hearing Outcome | Guilty or not guilty | Adjudicated delinquent or not |
| Sentencing Grid | Specific sentencing option and length for each felony or misdemeanor | Disposition combining felonies and misdemeanors into three categories |
| Sentencing Length | Ranges from eight months to life without parole | Minimum of six months and then up to the Department's discretion up to the juvenile's 21st birthday |
| Institutions | County and local jails (113) State Prisons (55) | Youth Development Centers (4) State and County Detention Centers (8) Multipurpose Group Homes (5) Eckerd Camps (2) |

The point of entry in the Juvenile Justice system is the court counselor. An intake court counselor receives the complaint and determines whether the complaint has merit and requires further action. If not, the case is dismissed and no further action is taken. If the counselor determines that the juvenile's act would be delinquent (would be a crime if committed by an adult) if proved true or if the severity of the activity alleged in the complaint is serious enough, a juvenile can be held in temporary custody at a detention center awaiting an initial court hearing.

The intake court counselor interviews the parties involved. Their evaluation takes between 15 to 30 days. Following the evaluation, the intake counselor either files a petition or diverts the case. The petition presents to the court the facts in the complaint to determine whether the juvenile is alleged to be delinquent or undisciplined. Instead of proceeding to court, a counselor may divert the case and refer the juvenile to community-based resources or release the juvenile from the system. For serious delinquency cases the counselor *must* approve a filing of a petition.

Juveniles can be held in secure custody in a detention center to await their court appearance or they may make their first appearance in court without being held in custody. At the hearing, either the allegations are found to be true, or the case is dismissed. A juvenile 13 years old and above accused of committing a felony may be transferred to Superior Court to be tried as an adult.

If the allegations are found to be true, the juvenile is adjudicated delinquent (the equivalent of being found guilty in the adult system). The case proceeds to a dispositional hearing where the judge metes out punishment. The disposition depends upon the seriousness of the offense, the juvenile's delinquency history, and recommendations of the court counselor. The dispositions include Level 1, community-based sanctions, Level 2, intermediate sanctions, or Level 3, commitment to a YDC or an alternative to commitment program.

ASSUMPTIONS AND METHODOLOGY

Department of Public Safety – Division of Juvenile Justice (DJJ)

The bill would place 16- and 17-year-olds charged with misdemeanors and Class F through I felonies in the juvenile system. To determine the impact of this change, Fiscal Research looked at the number of misdemeanor and relevant felony charges against individuals aged 16 and 17 in Fiscal Year 2015-16, the most recent data available. The following chart shows the number of charges by class.

| FY 2015-16 Complaints 16- and 17-Year-Olds | |
|---|-------------------|
| Penalty Class | Complaints |
| Class F Felony | 121 |
| Class G Felony | 301 |
| Class H Felony | 2,228 |
| Class I Felony | 951 |
| Class A1 Misd. | 758 |
| Class 1 Misd. | 7,729 |
| Class 2 Misd. | 4,971 |
| Class 3 Misd. | 4,118 |
| Infractions | 59 |
| Total | 21,236 |

The figures above reflect the number of charges, not the number of distinct juveniles. Some juveniles may have more than one charge. Different classes of offense have different rates of complaints per juvenile. Fiscal Research has utilized these different rates to estimate how many distinct juveniles will be added to the juvenile justice system as a result of this bill. Those calculations, which use the most recent data available, are below.

| Estimated Distinct Juveniles 16- and 17-Year-Olds | | | |
|--|-------------------|--------------------------------|---------------------------|
| Penalty Class | Complaints | Distinct Juvenile Ratio | Distinct Juveniles |
| Class F Felony | 121 | 4.81 | 25 |
| Class G Felony | 301 | 5.63 | 53 |
| Class H Felony | 2,228 | 5.13 | 434 |
| Class I Felony | 951 | 4.45 | 214 |
| Class A1 Misd. | 758 | 2.91 | 260 |
| Class 1 Misd. | 7,729 | 2.01 | 3,845 |
| Class 2 Misd. | 4,971 | 1.38 | 3,602 |
| Class 3 Misd. | 4,118 | 1.22 | 3,375 |
| Infractions | 59 | 1.1 | 54 |
| Total | 21,236 | | 11,862 |

Although juveniles may have more than one charge, the charges may come in on different days, so it is reasonable to assume that each charge may require a separate intake. However, once the intake process is complete, it is also reasonable to assume that separate charges against an individual can be consolidated for the purposes of continued supervision and community programming. Therefore, to calculate the costs associated with intake, Fiscal Research used the total number of charges. To calculate the costs associated with diversion supervision, community programming, court supervision, and detention, Fiscal Research used the number of distinct juveniles. North

Carolina Sentencing and Policy Advisory Commission (SPAC) estimates were used to calculate the costs associated with Level 1, 2, and 3 dispositions.

As cases proceed through the juvenile justice system, complaints may be dropped, diverted, or approved for court. To estimate the number of complaints dropped, Fiscal Research used the rate of case closures for 15-year-old juveniles in FY 2015-16 as supplied by the Administrative Office of the Courts (AOC). The calculations for these case closures are in the table below. 14.4 percent of complaints against 15-year-olds were closed prior to intake in FY 2015-16.

| Projections for Complaints Closed by Class 16- and 17-Year-Olds | | | | | | |
|--|--|---|--|---|--|---|
| Complaint Class | Total Projected Complaints, 16/17 YOs | Actual Percentage Closed, 15 YOs | Projected Closed Complaints | Total Projected Complaints Remaining at Intake | Distinct Juvenile Ratio | Distinct Juveniles at Intake |
| Class F | 121 | 0.00% | 0 | 121 | 4.81 | 25 |
| Class G | 301 | 1.80% | 5 | 296 | 5.63 | 53 |
| Class H | 2,228 | 2.10% | 47 | 2,181 | 5.13 | 425 |
| Class I | 951 | 1.90% | 18 | 933 | 4.45 | 210 |
| Class A1 | 758 | 9.00% | 68 | 690 | 2.91 | 237 |
| Class 1 Non-MV Misd. | 7,729 | 12.50% | 966 | 6,763 | 2.01 | 3,365 |
| Class 2 Non-MV Misd. | 4,971 | 21.10% | 1,049 | 3,922 | 1.38 | 2,842 |
| Class 3 Non-MV Misd. | 4,118 | 21.90% | 902 | 3,216 | 1.22 | 2,636 |
| Infractions Non-MV Misd. | 59 | 22.40% | 13 | 46 | 1.1 | 42 |
| Total/Average Percentage | 21,236 | 14.4% | 3,068 | 18,168 | | 9,835 |

Juvenile cases may be diverted following intake. Again, using the AOC rate of diversions for 15-year-olds in FY 2015-16, Fiscal Research estimates that approximately 18.46 percent of complaints will be diverted after intake. Using the ratio of complaints per juvenile for each class of offense as supplied by DJJ, Fiscal Research estimates that 3,353 complaints involving 2,108 juveniles will be diverted after intake. The specific calculations for each class of complaint are in the table below.

| Projections for Complaints Diverted by Class 16- and 17-Year-Olds | | | | | | |
|--|---|---|--|--|--|---|
| Complaint Class | Total Projected Complaints After Intake, 16/17 YOs | Actual Percentage Diverted, 15 YOs | Projected Complaints Diverted | Distinct Juvenile Ratio | Distinct Juveniles Diverted | Total Projected Complaints Referred to Court |
| Class F | 121 | 8.2% | 10 | 4.81 | 2 | 111 |
| Class G | 296 | 0.9% | 3 | 5.63 | 1 | 293 |
| Class H | 2,181 | 3.6% | 79 | 5.13 | 15 | 2,103 |
| Class I | 933 | 1.3% | 12 | 4.45 | 3 | 921 |
| Class A1 | 690 | 15.2% | 105 | 2.91 | 36 | 585 |
| Class 1 Non-MV Misd. | 6,763 | 20.1% | 1,359 | 2.01 | 676 | 5,404 |
| Class 2 Non-MV Misd. | 3,922 | 24.0% | 941 | 1.38 | 682 | 2,981 |
| Class 3 Non-MV Misd. | 3,216 | 25.8% | 830 | 1.22 | 680 | 2,386 |
| Infractions Non-MV Misd. | 46 | 31.3% | 14 | 1.1 | 13 | 31 |
| Total/Average Percentage | 18,168 | 18.46% | 3,353 | | 2,108 | 14,815 |

Therefore, of the 21,236 complaints likely to be made against the 16- and 17-year-old population, Fiscal Research estimates that 3,068 cases will be closed at intake, leaving 18,168 cases. Of these remaining cases, approximately 3,353 will be diverted, leaving 14,815 cases approved for court.

These base numbers will be used repeatedly in calculating the costs of this bill. They are summarized in the following table.

| Base Numbers for Calculations: Estimated Complaints and Convictions for 16- and 17-Year-Olds | |
|---|--------|
| Number of Projected Complaints Against 16- and 17-Year-Olds | 21,236 |
| Percentage of Cases Closed Prior to Intake (Average) | 14.4% |
| Number of Complaints Closed | 3,068 |
| Number of Complaints Remaining | 18,168 |
| Number of Complaints at Diversion | 18,168 |
| Percentage of Complaints Diverted (Average) | 18.46% |
| Number of Complaints Diverted | 3,353 |
| Remaining number of Complaints Approved for Court | 14,815 |
| Percentage of total complaints approved for court | 69.7% |

Once the base numbers were determined, cost estimates were calculated for each step of the juvenile process. Because the bill's changes to the juvenile criminal code take effect on December 1, 2019, most recurring costs will not take full effect until FY 2020-21. However, due to training needs, the Division will likely need to bring new staff on approximately six months prior to that date. Fiscal Research therefore assumes that these positions will be filled starting in FY 2019-20. In addition, the December 1, 2019 effective date results in a lower number of new juveniles entering the system during FY 2019-20. Therefore, FY 2020-21 should be considered the first full year in which this bill will impact the juvenile justice system.

The table below summarizes the total estimate for the Division of Juvenile Justice. Detailed explanations for each step follow.

| Summary of Total Division of Juvenile Justice Funding Required FY 2017-18 through FY 2021-22 | | | | | |
|---|---------------------|-----------------|---------------------|---------------------|---------------------|
| Fiscal Year | FY 17-18 | FY 18-19 | FY 19-20 | FY 20-21 | FY 21-22 |
| <u>Court Services</u> | | | | | |
| Court Counselors | \$0 | \$0 | \$10,397,617 | \$17,500,457 | \$17,208,239 |
| Court Counselor Supervisors, Office Assistants | \$0 | \$0 | \$1,746,780 | \$3,140,624 | \$3,077,800 |
| Subtotal Court Services | \$0 | \$0 | \$12,144,397 | \$20,641,081 | \$20,286,039 |
| <u>Facility Services</u> | | | | | |
| Detention Services | \$0 | \$0 | -\$305,000 | -\$516,060 | -\$516,060 |
| YDC Operating Costs | \$0 | \$0 | \$4,927,088 | \$11,387,058 | \$11,586,541 |
| Subtotal Facility Services | \$0 | \$0 | \$4,622,088 | \$10,870,998 | \$11,070,481 |
| <u>Community Programs</u> | | | | | |
| Electronic Monitoring | \$0 | \$0 | \$38,415 | \$43,746 | \$65,846 |
| JCPC Funding | \$0 | \$0 | \$1,032,677 | \$1,818,581 | \$1,851,948 |
| Level 2 Dispositions Services | \$0 | \$0 | \$4,541,952 | \$7,990,608 | \$8,142,139 |
| Administration | \$0 | \$0 | \$126,156 | \$243,098 | \$247,745 |
| Subtotal Community Programs | \$0 | \$0 | \$5,739,200 | \$10,096,033 | \$10,307,678 |
| Subtotal Operating Costs for DJJ | \$0 | \$0 | \$22,505,685 | \$41,608,112 | \$41,664,198 |
| Level 2 Residential Facility Cost | \$0 | \$0 | \$5,580,000 | \$0 | \$0 |
| YDC Construction Cost | \$25,307,000 | \$0 | \$0 | \$0 | \$0 |
| Subtotal Capital | \$25,307,000 | \$0 | \$5,580,000 | \$0 | \$0 |
| Total Cost Division of Juvenile Justice | \$25,307,000 | \$0 | \$28,085,685 | \$41,608,112 | \$41,664,198 |

| Summary of DJJ FTE Required | | | | | |
|------------------------------------|-----------------|-----------------|-----------------|-----------------|-----------------|
| Fiscal Year | FY 17-18 | FY 18-19 | FY 19-20 | FY 20-21 | FY 21-22 |
| Court Counselors | 0.0 | 0.0 | 139.0 | 239.0 | 239.0 |
| Court Counselor Supervisors | 0.0 | 0.0 | 24.0 | 44.0 | 44.0 |
| YDC Staff | 0.0 | 0.0 | 89.0 | 151.0 | 151.0 |
| Central Administration | 0.0 | 0.0 | 1.5 | 3.0 | 3.0 |
| Total DJJ FTE | 0.0 | 0.0 | 253.5 | 437.0 | 437.0 |

Intake

In the juvenile system charges are referred to as complaints. When a complaint is taken out on a juvenile, an intake counselor collects information about the juvenile, decides whether to recommend him to court, prepares predisposition reports with a risk and needs assessment, and contacts the juvenile’s parents.

In FY 2015-16, approximately 14.4 percent of complaints against 15-year-old juveniles were closed prior to intake. The remaining 85.6 percent of complaints resulted in an intake. DJJ estimates that each intake takes approximately six hours for a court counselor to process. To estimate the cost of the additional juveniles on the court counselor workload, the estimated number of complaints for each year of implementation is multiplied by the percent of complaints closed for the given level of offense to determine the number that would result in an intake. That number is multiplied by six hours, and then divided by annual working hours (1,800) to arrive at the number of additional full time equivalent (FTE) court counselor positions required.

The cost per FTE was calculated using the FY 2015-16 starting court counselor total position cost (salary plus estimated benefits and operating costs, adjusted each year for inflation) plus one-time hiring costs. In FY 2019-20, the total position cost will be \$68,841 plus one-time costs of \$5,962. Because of the bill’s effective date, only 35 FTE will be required in FY 2019-20, while 61 FTE will be required in FY 2020-21. The total cost is therefore estimated to be \$2,409,435 before one-time expenses in FY 2019-20 and \$4,310,443 before one-time expenses in FY 2020-21. These calculations are displayed on the table below.

| Estimated Cost for New Intake Counselors | | | | | |
|---|-----------------|-----------------|--------------------|--------------------|--------------------|
| Fiscal Year | FY 17-18 | FY 18-19 | FY 19-20 | FY 20-21 | FY 21-22 |
| Cumulative Complaints | 0 | 0 | 21,236 | 21,236 | 21,236 |
| Prelim. Number of Complaints Resulting in Intakes | 0 | 0 | 18,168 | 18,168 | 18,168 |
| Effective Date Modifier | 0 | 0 | 58.34% | 100.00% | 100.00% |
| Modified Number of Complaints with Intake | 0 | 0 | 10,599 | 18,168 | 18,168 |
| DJJ Estimated Court Counselor Hours per Intake | 0 | 0 | 6 | 6 | 6 |
| Total Hours | 0 | 0 | 63,594 | 109,008 | 109,008 |
| Annual Working Hours | 0 | 0 | 1,800 | 1,800 | 1,800 |
| Est. Court Counselors Needed for Intake | 0 | 0.0 | 35 | 61 | 61 |
| Starting CC Salary | \$0 | \$0 | \$47,784 | \$49,049 | \$49,978 |
| Social Security | \$0 | \$0 | \$3,656 | \$3,752 | \$3,823 |
| Health Insurance | \$0 | \$0 | \$6,163 | \$6,326 | \$6,446 |
| Retirement | \$0 | \$0 | \$7,803 | \$8,010 | \$8,161 |
| Subtotal Salaries and Benefits | \$0 | \$0 | \$65,406 | \$67,137 | \$68,408 |
| Position Operating Costs | \$0 | \$0 | \$3,435 | \$3,526 | \$3,593 |
| Total Position Cost | \$0 | \$0 | \$68,841 | \$70,663 | \$72,001 |
| Salary/Benefit/Op. Costs Total | \$0 | \$0 | \$2,409,435 | \$4,310,443 | \$4,392,061 |
| One-Time Costs at Hiring Per Position | \$0 | \$0 | \$5,962 | \$6,120 | \$0 |
| Total One-Time Costs | \$0 | \$0 | \$208,670 | \$159,120 | \$0 |
| Cost for New Intake Counselors | \$0 | \$0 | \$2,618,105 | \$4,469,563 | \$4,392,061 |

DJJ currently has approximately one court counselor supervisor and office assistant for every 9.5 counselors. The cost for new court counselor supervisors and assistants is calculated later in the analysis based on the sum total of all counselors added. Please see the Court Counselor Supervisor section for more information.

Diversion Programming and Supervision

At intake, court counselors make a determination about whether or not to approve a case for court, close the case without further action, or divert it to a community program. If a juvenile is diverted, the court counselor prepares a diversion plan or contract, which may include referring the juvenile to a community program. In FY 2015-16, 18.46 percent of juvenile cases were diverted.

Diversion prior to referral to court often requires juveniles to participate in some sort of community program. Community programs are funded by the State through the Juvenile Crime

Prevention Councils (JCPC). In FY 2015-16, the General Assembly appropriated \$21,822,149 to serve 22,829 juveniles through the JCPCs. Allocations to individual JCPCs were formerly based on the juvenile population in the county or counties served by the JCPC. However, that formula has been frozen for several years and is no longer an accurate calculation for JCPC funding. If the formula is revised, the addition of 16- and 17-year-olds would require an increase in the per capita funding of the JCPCs. Since the formula is not in use, a per-juvenile expenditure amount was calculated. For FY 2015-16, JCPC expenditures per juvenile were \$956 (\$21,822,149 divided by 22,829 juveniles served equals \$956, rounded up), or \$2.62 per day (\$956 divided by 365). Adjusted for inflation, the cost per day in FY 2020-21 will be \$2.93.

To calculate the additional resources that will be needed by JCPCs as a result of this bill, Fiscal Research multiplied the number of juveniles requiring diversion supervision by the average number of days a juvenile remains under diversion supervision. The product was then multiplied by the cost per day in FY 2015-16, adjusted for inflation. In the first full year of implementation, there are 2,108 juveniles projected to be on diversion from the new population (previously calculated based on the ratio of complaints to juveniles for each offense class). DJJ notes that approximately 51% of diverted juveniles were assigned to a JCPC in FY 2015-16. If this ratio holds, a total 1,075 juveniles will be diverted to a JCPC program. 1,075 juveniles times 127 average days under diversion supervision times \$2.93 equals \$400,018 in additional funding required for JCPCs to serve juveniles diverted prior to court referral in the first full year of implementation.

JCPC costs for diversions are summarized in the table below. Please note: this is only the JCPC cost associated with diversion cases. There will also be JCPC costs associated with dispositions for youth adjudicated delinquent for other offenses. Those costs are calculated later in this analysis.

| Estimated Cost for JCPC Diversion Programming | | | | | |
|--|-----------------|-----------------|------------------|------------------|------------------|
| Fiscal Year | FY 17-18 | FY 18-19 | FY 19-20 | FY 20-21 | FY 21-22 |
| Total Percent of Complaints Diverted Prior to Court | 0 | 0 | 18.46% | 18.46% | 18.46% |
| Number of New Complaints Diverted | 0 | 0 | 3,353 | 3,353 | 3,353 |
| Number of New Juveniles Diverted (Calculated above) | 0 | 0 | 2,108 | 2,108 | 2,108 |
| Effective Date Modifier | 0% | 0% | 58.34% | 100.00% | 100.00% |
| Modified New Diverted Juveniles in JCPCs | 0 | 0 | 1,230 | 2,108 | 2,108 |
| Percentage Participation in JCPCs | 0% | 0% | 51% | 51% | 51% |
| Total Number of Diverted Juveniles in JCPCs | 0 | 0 | 627 | 1,075 | 1,075 |
| Avg. Number of Days Under Diversion Supervision | 0 | 0 | 127 | 127 | 127 |
| JCPC Program Cost per Day | \$0 | \$0 | \$2.85 | \$2.93 | \$2.98 |
| Subtotal JCPC Programming, Diversions | \$0 | \$0 | \$226,943 | \$400,018 | \$406,845 |

Juveniles on diversion require supervision from a court counselor. DJJ reports that the diversion supervision caseload for court counselors is 40 cases per counselor, and that juveniles spend a

maximum of 183 days under diversion supervision. To determine the number of new court counselors needed, the average number of juveniles under diversion supervision in a given day was divided by 40 for each year. The result was then multiplied by the total position cost for a new court counselor to determine the cost for new court counselors for diverted cases. For example, in the first full year of implementation, it is estimated that an average of 1,057 juveniles will be under diversion on a given day (2,108 juveniles times 183 maximum days under supervision divided by 365 days a year). That number divided by 40 equals 26 new court counselor FTE. Using the total position costs calculated in the previous section, \$1,032,615 would be required for new diversion counselors beginning in FY 2019-20, with \$1,837,238 required in FY 2020-21, not including one-time costs. The following table shows these calculations.

| Estimated Cost for Diversion Supervision Counselors | | | | | |
|--|-----------------|-----------------|--------------------|--------------------|--------------------|
| Fiscal Year | FY 17-18 | FY 18-19 | FY 19-20 | FY 20-21 | FY 21-22 |
| Number of New Juveniles Diverted | 0 | 0 | 1,230 | 2,108 | 2,108 |
| Avg. Number of Juveniles Under Supervision | 0 | 0 | 617 | 1,057 | 1,057 |
| Diversion Supervision Cases per Court Counselor | 0 | 0 | 40 | 40 | 40 |
| Est. Court Counselors Needed | \$0 | \$0 | 15 | 26 | 26 |
| Total Position Cost per Court Counselor | \$0 | \$0 | \$68,841 | \$70,663 | \$72,001 |
| Subtotal, Salary/Benefit/Op. Costs | \$0 | \$0 | \$1,032,615 | \$1,837,238 | \$1,872,026 |
| One-Time Costs at Hiring Per Position | \$0 | \$0 | \$5,962 | \$6,120 | \$0 |
| Total One-Time Costs | \$0 | \$0 | \$89,430 | \$67,320 | \$0 |
| Total Court Counselor Costs for Diverted Cases | \$0 | \$0 | \$1,122,045 | \$1,904,558 | \$1,872,026 |

The total cost for diversion programming and supervision in the first full year of implementation, FY 2020-21, will therefore be \$2,304,576. These projections are summarized in the table below.

| Total Costs for Diversion Programming and Supervision | | | | | |
|--|-----------------|-----------------|--------------------|--------------------|--------------------|
| Fiscal Year | FY 17-18 | FY 18-19 | FY 19-20 | FY 20-21 | FY 21-22 |
| Subtotal, JCPC Programming Costs | \$0 | \$0 | \$226,943 | \$400,018 | \$406,845 |
| Subtotal, Diversion Court Counselors | \$0 | \$0 | \$1,122,045 | \$1,904,558 | \$1,872,026 |
| Total Cost Diverted Complaints | \$0 | \$0 | \$1,348,988 | \$2,304,576 | \$2,278,871 |

Electronic Monitoring

As part of their disposition, juveniles may require electronic monitoring. DJJ contracts with a vendor for this service with different price points depending on the device utilized. In FY 2015-16, approximately 1.29 percent of juveniles in the juvenile justice system were on electronic monitoring. Based on the estimate above, this bill will add approximately 11,862 16- and 17-year-olds to the juvenile justice system. Approximately 153 of these juveniles will be placed on electronic monitoring, at a cost of \$43,746 annually before inflation adjustments. The tables below show these calculations.

| Electronic Monitoring Costs | | | | |
|------------------------------------|------------------------|---------------------------------|------------------|------------------------------|
| | Cost Per Device | Average Daily Percentage | Juveniles | Total Cost Per Device |
| ET1 Device (GPS) | \$287 | 1.01% | 120 | \$34,440 |
| HG206 Device (cell unit) | \$282 | 0.28% | 33 | \$9,306 |
| Total | | 1.29% | 153 | \$43,746 |

| Electronic Monitoring Costs Adjusted for Inflation | | | | | |
|---|-----------------|-----------------|-----------------|-----------------|-----------------|
| Fiscal Year | FY 17-18 | FY 18-19 | FY 19-20 | FY 20-21 | FY 21-22 |
| Annual Cost of Electronic Monitoring | \$0 | \$0 | \$47,640 | \$48,900 | \$49,826 |
| Effective Date Modifier | 0% | 0% | 58.34% | 100% | 100% |
| Total Cost | \$0 | \$0 | \$27,793 | \$48,900 | \$49,826 |

Detention

DJJ, in conjunction with AOC and SPAC, estimates that six percent of juveniles with a complaint against them will be placed in a detention center. This figure includes those who are sent to a detention center pending a disposition, those who serve their sentence in a detention center, and those who violate their probation terms. The table below shows an estimate for the number of 16- and 17-year-old juveniles that would serve in detention under this bill in the first full year of implementation.

| Estimated Number of Juveniles Placed in Detention | |
|--|------------|
| Number of Complaints Approved for Intake | 18,168 |
| Number of Juveniles Charged | 9,835 |
| AOC Est. Percentage Serving in Detention | 6% |
| Number of Juveniles Placed in Detention | 590 |

To calculate the additional detention costs associated with this bill, Fiscal Research first determined what the current detention bed capacity is. There are eight detention centers in North Carolina (two county facilities and six State-run facilities) with a total bed capacity of 194. In FY 2015-16 the average detention population was 152, leaving approximately 42 beds available. The need for new beds is determined based on bed days available versus bed days required. The average number of days in detention for the new population is 18 days each, or 10,620 bed days in the first full year of implementation (590 juveniles times 18 days equals 10,620 bed days). Given that DJJ currently has approximately 15,330 bed days in surplus, this bill would not require the construction of additional detention facilities. The table below summarizes this information.

| Est. New Bed Days Required vs. Existing Bed Days | | | | | |
|---|-----------------|-----------------|-----------------|-----------------|-----------------|
| Fiscal Year | FY 17-18 | FY 18-19 | FY 19-20 | FY 20-21 | FY 21-22 |
| Number of Juveniles Placed in Detention | 0 | 0 | 590 | 590 | 590 |
| Effective Date Modifier | 0 | 0 | 58.34% | 100.00% | 100.00% |
| Modified Distinct Juveniles | 0 | 0 | 344 | 590 | 590 |
| Average Days in Detention | 0 | 0 | 18 | 18 | 18 |
| Additional Detention Bed Days Required | 0 | 0 | 6,196 | 10,620 | 10,620 |
| Existing Detention Bed Capacity | 0 | 0 | 365 | 365 | 365 |
| Existing Bed Days Available | 0 | 0 | 15,330 | 15,330 | 15,330 |
| Difference (Days Available less New Days Required) | 0 | 0 | 9,134 | 4,710 | 4,710 |

In addition, the bill may require DJJ to house individuals under the age of 18 charged with A-E felonies in detention centers. Although these juveniles will be tried and perhaps sentenced under the adult system, until they are convicted and sentenced they are still considered juveniles for detention purposes. AOC data shows that in FY 2015-16, 846 A-E felony charges were brought against 16- and 17-year-olds. Based on DJJ’s complaints-per-juvenile ratios, Fiscal Research estimates that 185 distinct juveniles will require detention under this bill. These calculations are shown below.

| Projected Distinct Juveniles A-E Felonies | | | |
|--|----------------------------------|---------------|--|
| Detention | 16-17 Year Old Complaints | Ratios | 16-17 Year Old Distinct juveniles |
| Class A | 30 | 6.33 | 5 |
| Class B1 | 70 | 4.75 | 15 |
| Class B2 | 22 | 6 | 4 |
| Class C | 82 | 2.29 | 36 |
| Class D | 487 | 6.08 | 80 |
| Class E | 155 | 3.45 | 45 |
| Total | 846 | | 185 |

A-E felony cases are more likely to require detention, and the average detention stay will likely be longer than the average for lower level offenses. In FY 2015-16, 48.4% of juveniles aged 15 years old and younger who were accused of an A-E felony were placed in detention. Applying this ratio to the projected population above, DJJ estimates that 90 distinct juveniles with an A-E felony complaint will require detention. The average stay for A-E felony cases is currently 71 days. Using the same calculation methodology as above, Fiscal Research estimates a need for 5 new detention beds for this population in the first full year of implementation (6,390 bed days divided by 365

days equals 18 beds (rounded) minus 13 (rounded) bed days required for the non-A-E felony population equals 5). These calculations are shown in the table below.

| Est. New Bed Days Required vs. Existing Bed Days for A-E Felony Population | | | | | |
|---|-----------------|-----------------|-----------------|-----------------|-----------------|
| Fiscal Year | FY 17-18 | FY 18-19 | FY 19-20 | FY 20-21 | FY 21-22 |
| Number of A-E Charges 16/17YOs, FY 2015-16 | 0 | 0 | 846 | 846 | 846 |
| Distinct Juveniles (Calculated above) | 0 | 0 | 185 | 185 | 185 |
| Effective Date Modifier | 0 | 0 | 58.34% | 100% | 100% |
| Modified Distinct Juveniles | 0 | 0 | 108 | 185 | 185 |
| Percentage of A-E Felonies in Detention | 0% | 0% | 48.40% | 48.40% | 48.40% |
| Distinct Juveniles in Detention | 0 | 0 | 52 | 90 | 90 |
| Average Detention Stay in Days, A-E Felony | 0 | 0 | 71 | 71 | 71 |
| Additional Detention Bed Days Required | 0 | 0 | 3,692 | 6,390 | 6,390 |
| Days Remaining after F-I/Misd. Pop. Added (Table above) | 0 | 0 | 9,138 | 4,710 | 4,710 |
| Difference (Days Available Less New Days Required) | 0 | 0 | 5,446 | -1,680 | -1,680 |
| Number of New Beds Required | 0 | 0 | 0 | 5 | 5 |

As these projections demonstrate, the juvenile detention system will require additional beds as a result of this bill. DJJ proposes to house these new 16- and 17-year-old A-E juveniles in existing county facilities. By statute, DJJ splits the cost of housing juveniles in detention facilities with county governments. If the juvenile is housed outside of their own county, the home county must pay DJJ 50 percent of the \$244 per day rate (\$122 per day) for detention costs. Similarly, when juveniles from one county are housed in another county's facility, DJJ must pay the hosting county 50 percent of the daily \$244 rate (\$122 per day). Because the lower-level offense can be housed entirely in State facilities, Fiscal Research estimates receipts to DJJ of \$1,295,640 annually from the counties (10,620 detention days at \$122 per day) in the first full year of implementation. DJJ proposes to house all of the new A-E population in county facilities. This would result in additional costs to DJJ of \$779,580 a year in FY 2020-21 (6,390 bed days at \$122/day).

Net receipts (receipts minus costs) for detention centers would therefore equal \$516,060 in the first year of implementation. This projection assumes that the rate will not be adjusted for inflation or altered by future legislation. These calculations are displayed in the table below.

| Detention System Costs | | | | | |
|--|-----------------|-----------------|------------------|------------------|------------------|
| Fiscal Year | FY 17-18 | FY 18-19 | FY 19-20 | FY 20-21 | FY 21-22 |
| Number of Additional Bed Days Required - State Facilities | 0 | 0 | 6,192 | 10,620 | 10,620 |
| Rate per Day | \$0 | \$0 | \$122 | \$122 | \$122 |
| Total Receipts, State Facilities | \$0 | \$0 | \$755,424 | \$1,295,640 | \$1,295,640 |
| Number of Additional Bed Days Required - County Facilities | 0 | 0 | 3,692 | 6,390 | 6,390 |
| Rate per Day | \$0 | \$0 | \$122 | \$122 | \$122 |
| Total Expenses, County Facilities | \$0 | \$0 | \$450,424 | \$779,580 | \$779,580 |
| Net Receipts | \$0 | \$0 | \$305,000 | \$516,060 | \$516,060 |

Dispositions

Juveniles whose cases are not closed or diverted are considered “approved for court”. As already established, Fiscal Research estimates that approximately 69.7% (rounded) of new cases for the relevant age group will be approved for court.

| Estimated Cases Approved for Court | |
|--|---------------|
| Total Class F-I and A1-3 Complaints | 21,236 |
| DJJ 2016 % Approved for Court (rounded) | 69.7% |
| Number of Complaints Approved for Court | 14,815 |

Once in court, if a juvenile is found to have committed the offense for which he is charged, the juvenile is adjudicated delinquent. Article 25 of Chapter 7B of the General Statutes lays out the dispositions available for juveniles. For juveniles adjudicated delinquent for class 1, 2, or 3 misdemeanors, dispositional options are limited to Level 1 or Level 2. Juveniles adjudicated delinquent for Class F through I felonies or an A1 misdemeanor may get a Level 3 disposition if they have a significant prior history. Level 1 and 2 dispositions primarily consist of court supervision (by the court counselor) and participation in one or more community programs run through the JCPCs. Level 2 dispositions can also include placement in a group home or another residency program. Level 3 dispositions can include placement in a Youth Development Center (YDC) followed by community supervision by a court counselor.

SPAC provides projections based on the number of convictions in the relevant offense classes for 16- and 17-year-olds in adult court. The following table shows the projected number of convictions (delinquent adjudications) based on the bill.

| Conviction Projections for Offenders Aged 16 to less than 18 Years | |
|---|--------------|
| Class F Felony | 62 |
| Class G Felony | 117 |
| Class H Felony | 499 |
| Class I Felony | 146 |
| Class A1 Misdemeanor | 186 |
| Class 1 Misdemeanor | 2,029 |
| Class 2 Misdemeanor | 897 |
| Class 3 Misdemeanor | 802 |
| Total | 4,738 |

SPAC also projected the disposition distribution for the new juvenile population. Assuming that the distribution for the new age groups will be similar to the current 15-year-old delinquent population, 56 percent will receive a Level 1 disposition, 40 percent will receive a Level 2 disposition, and four percent will receive a Level 3 disposition. The following chart shows the number of dispositions by type for each stage of implementation.

| Projected Disposition Distribution for Juveniles Aged 16 to less than 18 Years FY 2019-20 | |
|--|--------------|
| Level 1 Disposition (56%) | 2,653 |
| Level 2 Disposition (40%) | 1,895 |
| Level 3 Disposition (4%) | 190 |
| Total Convictions | 4,738 |

Each conviction does not necessarily represent a distinct juvenile, however. Using data from Adult Correction, DJJ estimates a ratio of 1.3 convictions per person in the age bracket for FY 2015-16. Dividing SPAC's number of convictions by this rate yields an estimate of 3,645 distinct juveniles convicted per year. This is illustrated in the table below.

| Projected Adjudicated Delinquent Distinct Juveniles and Disposition Distribution, Aged 16-17 | |
|---|--------------|
| Number of Convictions, FY 2015-16 | 4,738 |
| Ratio of Convictions to Juveniles | 1.3 |
| Projected Number of Distinct Juveniles Adjudicated Delinquent | 3,645 |
| Disposition Distribution | |
| Level 1 Disposition – Distinct Juveniles (56%) | 2,041 |
| Level 2 Disposition – Distinct Juveniles (40%) | 1,458 |
| Level 3 Disposition – Distinct Juveniles (4%) | 146 |
| Total Distinct Juveniles | 3,645 |

(All disposition levels will require court counselor supervision. These costs are calculated in the “Disposition Supervision” section which follows. In the first full year of implementation, the estimated cost for disposition counselors is \$11,126,336. The costs calculated in this section are those required beyond disposition supervision.)

Level 1

Level 1 dispositions are primarily community programs funded by the local JCPC. As calculated previously in this analysis, the cost per participant is currently \$956 per year; adjusted for inflation, this is \$1,069 per year in FY 2020-21, the first full effective year of the bill. In Fiscal Year 2015-16, 65% of Level 1 dispositions resulted in the juvenile being assigned to a JCPC program while other dispositions did not generate costs to the state beyond a court counselor’s supervision. To calculate the additional JCPC costs for Level 1 dispositions, the estimated number of distinct juveniles adjudicated Level 1 is multiplied by 65%. The resulting number is multiplied by the cost per participant. The estimated cost in the first year of implementation is \$1,418,563. These calculations are in the table below. (Note that this total does not include diverted youth participating in JCPC programs. Those expenses, calculated previously as \$400,018 bring the total expense for JCPC programs under this bill to \$1,818,581.)

| Estimated Additional Funding Required for JCPCs for Level 1 Dispositions | | | | | |
|---|-----------------|-----------------|------------------|--------------------|--------------------|
| Fiscal Year | FY 17-18 | FY 18-19 | FY 19-20 | FY 20-21 | FY 21-22 |
| Level 1 Projected Distinct Juveniles | 0 | 0 | 2,041 | 2,041 | 2,041 |
| Effective Date Modifier | 0 | 0 | 58.34% | 100% | 100% |
| Modified Level 1 Projected Distinct Juveniles | 0 | 0 | 1,191 | 2,041 | 2,041 |
| Percentage Receiving Expense-Bearing Level 1 Dispositions | 0 | 0 | 65% | 65% | 65% |
| Level 1 Projected Distinct Expense-Bearing Juveniles, 16/17 Yos | 0 | 0 | 774 | 1,327 | 1,327 |
| JCPC Cost per Participant (adj. for inflation) | \$0 | \$0 | \$1,041 | \$1,069 | \$1,089 |
| Additional JCPC Funding Required | \$0 | \$0 | \$805,734 | \$1,418,563 | \$1,445,103 |

Level 2

Level 2 dispositions can include both community-based and residential-based treatments. In FY 2015-16, the General Assembly appropriated \$19,812,412 for programs primarily directed at Level 2 dispositions. To estimate the additional cost for Level 2 services, Level 2 dispositions for 15-year-olds in FY 2015-16 were categorized as either community-based or residential. As with Level 1 dispositions, not all Level 2 dispositions result in an additional expense to the State. On average, 42.1% of juveniles adjudicated delinquent and assigned a Level 2 disposition are required to undergo a type of disposition that incurs an expense on the State beyond the supervision of a Court Counselor. This is illustrated below.

| Estimated Additional Level 2 Dispositions | |
|--|------------|
| Level 2 Projected Dispositions, 16/17YOs | 1,895 |
| Level 2 Projected Distinct Juveniles, 16/17YOs | 1,458 |
| Percentage Receiving Expense-Bearing Level 2 Disposition | 42.1% |
| Level 2 Distinct Expense-Bearing Juveniles | 614 |

Level 2 dispositions in FY 2015-16 for 15-year-olds resulted in approximately 66% of juveniles receiving a community-based disposition and the remaining 34% receiving a residential disposition. These ratios were applied to the total estimated number of expense-bearing juveniles. The resulting number of dispositions was multiplied by the average cost of a community-based or residential Level 2 program, respectively. The calculations for the number of juveniles in each category of Level 2 program are shown in the table below.

| Estimated Level 2 Dispositions by Category | | | | | |
|--|-----------------|-----------------|-----------------|-----------------|-----------------|
| Fiscal Year | FY 17-18 | FY 18-19 | FY 19-20 | FY 20-21 | FY 21-22 |
| Level 2 Distinct Expense-Bearing Juveniles | 0 | 0 | 614 | 614 | 614 |
| Effective Date Modifier | 0 | 0 | 58.34% | 100% | 100% |
| Modified Level 2 Distinct Expense-Bearing Juveniles | 0 | 0 | 358 | 614 | 614 |
| Level 2 Dispositions, Community-Based Percentage | 0 | 0% | 66% | 66% | 66% |
| Level 2 Projected Juveniles, Community-Based | 0 | 0 | 236 | 405 | 405 |
| Level 2 Dispositions, Residential Percentage | 0 | 0% | 34% | 34% | 34% |
| Level 2 Projected Juveniles, Residential | 0 | 0 | 122 | 209 | 209 |

DJJ contracts with a number of organizations that provide community-based Level 2 services. In FY 2015-16, these programs carried an average cost of \$4,522 per juvenile. Adjusted for inflation, these programs will cost an average of \$5,055 per juvenile in the first full year of implementation. With a projected population of 405 juveniles requiring these services, the total cost in FY 2020-21 for Level 2 community-based programs will be \$2,047,275.

| Level 2 Community-Based Program Expenses | | | | | |
|---|-----------------|-----------------|--------------------|--------------------|--------------------|
| Fiscal Year | FY 17-18 | FY 18-19 | FY 19-20 | FY 20-21 | FY 21-22 |
| Level 2 Projected Juveniles, Community-Based | 0 | 0 | 236 | 405 | 405 |
| Level 2 Community-Based Cost Per Participant (Adj. for Inflation) | \$0 | \$0 | \$4,924 | \$5,055 | \$5,151 |
| Level 2 Total Expenditure, Community-Based | \$0 | \$0 | \$1,162,064 | \$2,047,275 | \$2,086,155 |

DJJ contracts with other providers for Level 2 residential programs. At a cost of approximately \$28,437 for each juvenile (adjusted for inflation), new residential programming costs will be approximately \$5,943,333 for 209 individuals in FY 2020-21.

DJJ's residential programs currently have a waitlist, a problem which will be exacerbated by the addition of this new population. DJJ would therefore require expanded Level 2 facilities. Nearly all Level 2 services are contract-based, and the Division now requires vendors to incorporate any building construction, expansion, or leasing costs in their RFP submission. The current cost for a new Level 2-style 8-bed residential facility is \$650,000. Level 2 residential programs currently last approximately four months, enabling one facility to serve approximately 24 juveniles per year. SPAC data suggests there will be approximately 209 juveniles in need of residential programming. This will require approximately 72 beds in 9 residential facilities at a cost of \$5,850,000 (\$650,000 times 9 facilities). These costs do not include continued programming for Level 2 residential programs (already calculated).

| Level 2 Residential Program Expenses | | | | | |
|---|-----------------|-----------------|--------------------|--------------------|--------------------|
| Fiscal Year | FY 17-18 | FY 18-19 | FY 19-20 | FY 20-21 | FY 21-22 |
| Level 2 Projected Juveniles, Residential | 0 | 0 | 122 | 209 | 209 |
| Level 2 Residential Cost Per Participant (Adj. for Inflation) | \$0 | \$0 | \$27,704 | \$28,437 | \$28,976 |
| Level 2 Programmatic Costs, Residential | \$0 | \$0 | \$3,379,888 | \$5,943,333 | \$6,055,984 |
| Additional Level 2 Facilities | 0 | \$0 | \$5,580,000 | \$0 | \$0 |
| Total Level 2 Residential Funding Required | 0 | \$0 | \$8,959,888 | \$5,943,402 | \$6,055,984 |

This results in a total estimated cost of \$7,990,608 for Level 2 dispositions in FY 2020-21. These calculations are shown below.

| Total Level 2 Expenses | | | | | |
|-------------------------------|-----------------|-----------------|---------------------|--------------------|--------------------|
| Fiscal Year | FY 17-18 | FY 18-19 | FY 19-20 | FY 20-21 | FY 21-22 |
| Community-Based Programs | \$0 | \$0 | \$1,162,064 | \$2,047,275 | \$2,086,155 |
| Residential Programs | \$0 | \$0 | \$8,959,888 | \$5,943,333 | \$6,055,984 |
| Total | \$0 | \$0 | \$10,121,952 | \$7,990,608 | \$8,142,139 |

Level 3

The dispositional alternative for Level 3 dispositions is admission to a youth development center (YDC). There are currently four YDCs with a bed capacity of 247. Average bed availability in the most recent year was 236, resulting in an average of only 11 beds open. Because YDC bed space fluctuates on a regular basis, this analysis assumes that no beds will be available to support the new population. The Sentencing and Policy Advisory Commission (SPAC) data, as analyzed above, supports an estimate of an additional 146 YDC commitments annually once the bill takes full effect.

However, not all Level 3 dispositions are immediately or irrevocably placed in a YDC. They may be enrolled in other Level 2 programs or receive some other kind of dispositional alternative. YDC commitment has become the solution of last resort in recent years for the Division, and it is therefore likely that not all 146 projected delinquents will require commitment. DJJ argued in their analysis, based on current Adult Correction data, that judges have a history of being more lenient with juveniles during sentencing, and that around 2/3rds of Level 3 offenders actually receive commitment to a YDC. If this ratio holds, the number of beds required would be 98 rather than 146.

To provide an alternative estimate, Fiscal Research requested data from SPAC showing the most recent five fiscal years of Level 3 dispositions for 15-year-olds. From FY 2011-2012 to FY 2015-2016, an average of 50 individuals received a Level 3 disposition as a result of committing an offense in the range considered by this bill (Class F felony through Class 3 Misdemeanor). This analysis has assumed that 15-year-olds will exhibit similar patterns to 16- and 17-year-olds. Since the new population combines two age groups, the 15-year-old data is multiplied by two, giving an average of 100 Level 3 dispositions. This result is comparable to the alternative methodology already discussed. Therefore, based on the analysis of available data, Fiscal Research assumes that DJJ will commit approximately 98 juveniles from the new population to YDCs.

Modern YDCs are constructed in pods of 12 beds each. Up to five pods can be attached to a single facility while maintaining operational efficiency. As such, the proposed building capacity will be the nearest multiple of twelve to the estimated number of new commitments, resulting in an estimated need of 96 beds. The Department of Public Safety's engineering office estimates the cost per bed for a new 96-bed YDC to be \$255,281. This is based on the market-rate of new construction costs. Funding for construction of the new YDC will be needed beginning in FY 2017-18 and is summarized in the table below.

| Estimated Construction Costs for Youth Development Centers | |
|---|---------------------|
| Level 3 Dispositions | 190 |
| Level 3 Distinct Juveniles | 146 |
| Average Commitment to YDC for Juvenile Offenders | 67% |
| Total YDC Beds | 98 |
| Additional Beds Required | 96 |
| Construction Cost per 96-bed Facility | \$24,507,000 |
| One-time Furnishing Costs | \$800,000 |
| Total Construction Cost | \$25,307,000 |

The new 96-bed facility would be scheduled to open around December 2019, at the time when the bill would adjust the age of jurisdiction. However, due to the lag time between complaints being registered and YDC commitment, it is unlikely that the facility's capacity will be required prior to July 1, 2020.

DJJ estimates the staffing needs of a completed 96-bed facility to be 151 FTE. The Division's analysis suggested hiring 89 staff in FY 2018-19 and bringing the rest on board in time for the facility's opening the next year. However, given the actual likely staffing needs of the facility, Fiscal Research believes these positions could be hired at the beginning of FY 2019-20 with the remainder beginning at the start of FY 2020-21. This is a staffing ratio of 1.57 FTE per bed, a lower ratio than at other facilities presumably due to economies of scale.

The total position costs are displayed in the table below.

| Estimated Operating Costs for Youth Development Centers | | | | | |
|--|-----------------|-----------------|--------------------|--------------------|--------------------|
| Fiscal Year | FY 17-18 | FY 18-19 | FY 19-20 | FY 20-21 | FY 21-22 |
| FTE | 0 | 0 | 89 | 151 | 151 |
| Salaries, Benefits and Operating Costs | \$0 | \$0 | \$3,196,421 | \$3,263,281 | \$3,312,401 |
| Other YDC Operating Costs | \$0 | \$0 | \$1,896,784 | \$1,946,977 | \$1,983,852 |
| Total Operating Costs for New YDCs | \$0 | \$0 | \$5,093,205 | \$5,210,258 | \$5,296,253 |

Disposition Supervision

Juveniles who are adjudicated delinquent receive either a Level 1, Level 2, or Level 3 disposition. Regardless of their disposition level, each juvenile requires a court counselor to supervise and administer their disposition. The current caseload average for dispositions is 24 cases per counselor. The required number of disposition supervision court counselors is dependent on the number of adjudicated delinquent juveniles in the new population. As such, this bill will necessitate the creation of 89 FTE in FY 2019-20 at \$68,841 per FTE, with an additional 63 FTE

added for FY 2020-21 at \$70,663 per FTE, for a total of 152 FTE for disposition supervision in the first full year of implementation. The table below outlines these calculations.

| Est. Court Counselors Needed for Disposition Supervision | | | | | |
|---|-----------------|-----------------|--------------------|---------------------|---------------------|
| Fiscal Year | FY 17-18 | FY 18-19 | FY 19-20 | FY 20-21 | FY 21-22 |
| Convictions (All Disposition Levels) | 0 | 0 | 4,738 | 4,738 | 4,738 |
| Effective Date Modifier | 0 | 0 | 58.34% | 100% | 100% |
| Modified Number of Convictions | 0 | 0 | 2,765 | 4,738 | 4,738 |
| Estimated Distinct Juveniles | 0 | 0 | 2,127 | 3,645 | 3,645 |
| Supervision Cases per Court Counselor | 0 | 0 | 24 | 24 | 24 |
| Est. Court Counselors Needed for Supervision | 0 | 0 | 89 | 152 | 152 |
| Total Position Cost per Court Counselor | 0 | \$0 | \$68,841 | \$70,663 | \$72,001 |
| Salary/Benefit Costs Total | 0 | \$0 | \$6,126,849 | \$10,740,776 | \$10,944,152 |
| One-Time Costs at Hiring Per Position | 0 | \$0 | \$5,962 | \$6,120 | \$0 |
| Total One-Time Costs | 0 | \$0.00 | \$530,618 | \$385,560 | \$0 |
| Total Counselor Costs for Convictions (All Dispositions) | 0 | \$0 | \$6,657,467 | \$11,126,336 | \$10,944,152 |

Court Counselor Supervisors

Fiscal Research estimates that the bill will require 239 new court counselor FTE positions when fully implemented – 61 for intake, 26 for diversion supervision, and 152 for disposition supervision. DJJ currently has approximately one court counselor supervisor for every 9.5 counselors. Given that this bill would increase the number of supervised employees by over 60 percent, it will likely result in improved economies of scale. Fiscal Research has therefore rounded this number and used a ratio of one supervisor to every ten counselors to estimate the number of additional supervisors required.

There are currently 379 court counselors and 40 court counselor supervisors. In the first full year of implementation, FY 2020-21, the total number of court counselors is estimated to be 618 FTE (379 existing court counselors plus 239 new court counselors equals 618 FTE). At the estimated ratio of supervisors to counselors, DJJ will require 22 additional supervisors.

Currently, all court counselor supervisors have an office assistant. If this staffing pattern continues, the bill would also therefore require an additional 22 FTE for office assistants.

The table below shows the calculation for the estimated cost for 22 court counselor supervisors and their assistants. These positions will cost a total of \$3,018,224 in FY 20-21 for salary, benefits, and operating costs, not including one-time hiring costs.

| Estimated Cost for New Counselor Supervisors and Assistants | | | | | |
|--|-----------------|-----------------|--------------------|--------------------|--------------------|
| Fiscal Year | FY 17-18 | FY 18-19 | FY 19-20 | FY 20-21 | FY 21-22 |
| Additional Intake Counselors Required | 0 | 0.0 | 35.0 | 61.0 | 61.0 |
| Additional Diversion Supervision Counselors Required | 0 | 0.0 | 15.5 | 27.0 | 27.0 |
| Additional Disposition Supervision Counselors Required | 0 | 0.0 | 89.0 | 152.0 | 152.0 |
| Total Additional Court Counselors | 0 | 0.0 | 139.5 | 240.0 | 240.0 |
| Existing Court Counselor Positions | 0 | 0.0 | 379.0 | 379.0 | 379.0 |
| Total Court Counselors | 0 | 0.0 | 518.5 | 619.0 | 619.0 |
| Court Counselors per Supervisor | 0 | 0 | 10 | 10 | 10 |
| Total Supervisors Required | 0 | 0.0 | 52.0 | 62.0 | 62.0 |
| Existing Supervisors | 0 | 0.0 | 40.0 | 40.0 | 40.0 |
| Additional Supervisors Required | 0 | 0.0 | 12.0 | 22.0 | 22.0 |
| Average Supervisor Salary and Benefits | \$0 | \$0 | \$76,728 | \$78,765 | \$80,312 |
| Position Operating Costs | \$0 | \$0 | \$3,435 | \$3,526 | \$3,593 |
| Total Position Cost, New Supervisors | \$0 | \$0 | \$961,956 | \$1,810,402 | \$1,845,910 |
| Number of Office Assistants Required | 0 | 0 | 12.0 | 22.0 | 22.0 |
| Average Office Assistant Salary and Benefits | \$0 | \$0 | \$50,043 | \$51,375 | \$52,402 |
| Position Operating Costs | \$0 | \$0 | \$3,435 | \$3,526 | \$3,593 |
| Total Position Cost, New Assistants | \$0 | \$0 | \$641,736 | \$1,207,822 | \$1,231,890 |
| Total Positions, Supervisors/Assistants | 0 | 0 | 24 | 44 | 44 |
| Subtotal Position Cost for New Counselor Supervisors and Assistants | \$0 | \$0 | \$1,603,692 | \$3,018,224 | \$3,077,800 |
| One-Time Hiring Costs, All Positions | 0 | \$0 | \$5,962 | \$6,120 | \$0 |
| Total Costs, Court Counselor Supervisors and Assistants | 0 | \$0 | \$1,746,780 | \$3,140,624 | \$3,077,800 |

Community Programs Administration

DJJ uses community program coordinators, program assistants and contract administrators to oversee JCPC funds and Level 2 disposition contracts. Approximately 41 juveniles are served by each JCPC program, and community program specialists oversee approximately 57 programs each. To determine the number of positions required to administer new JCPC funding, the number of youth served by JCPCs (diversion and Level 1 dispositions) was divided by the number of youth per program. That number was then divided by the number of programs per community program coordinator position. In the first full year of implementation, 2,402 juveniles (1,075 diversions plus 1,327 Level 1 Dispositions) will be served by 59 programs (2,402 divided by 41 equals 59). All positions were rounded to the nearest half position, so 1.0 community program coordinator FTE will be required in the first full year. The number of FTE was then applied to the total position cost to calculate the estimated cost for community program specialists. In the first year of implementation, the estimated cost is \$86,269.

The DJJ program assistant workload is 142 programs per FTE. Based on this caseload, DJJ will need one half-time assistant starting in the first full year of implementation. This carries a total position cost of \$27,278 in FY 2020-21.

DJJ contract administrators oversee, on average, \$5 million in contractual services each. Assuming all of the funding for Level 2 services will be distributed on a contractual basis (as has historically been the case), DJJ will need one full-time and one half-time contract administrator in the first full year of implementation. The total cost in the first year will be \$129,551. These costs are summarized in the table below.

| Estimated Cost for Additional Community Program Administration | | | | | |
|---|-----------------|-----------------|------------------|------------------|------------------|
| Fiscal Year | FY 17-18 | FY 18-19 | FY 19-20 | FY 20-21 | FY 21-22 |
| Est. Number of Youth Served by JCPCs | 0 | 0 | 1,401 | 2,402 | 2,402 |
| Avg. Number of Youth Served per Program | 0 | 0 | 41 | 41 | 41 |
| Number of Additional JCPC Programs | 0 | 0 | 34 | 59 | 59 |
| Avg. Programs per Position | 0 | 0 | 57 | 57 | 57 |
| New Positions Required – Community Program Specialists | 0 | 0.0 | 0.5 | 1.0 | 1.0 |
| Average Salary and Benefits | 0 | \$0 | \$80,435 | \$82,564 | \$84,128 |
| Position Operating Costs | 0 | \$0 | \$3,597 | \$3,705 | \$3,803 |
| Total Position Cost – Community Program Specialists | 0 | \$0 | \$84,032 | \$86,269 | \$87,931 |
| Cost for New Community Program Specialists | 0 | \$0 | \$42,016 | \$86,269 | \$87,931 |
| Number of Additional JCPC Programs | 0 | 0 | 29 | 50 | 50 |
| Avg. Programs per Position | 0 | 0 | 142 | 142 | 142 |
| New Positions Required – Processing Assistants | 0 | 0.0 | 0.0 | 0.5 | 0.5 |
| Average Salary and Benefits | 0 | \$0 | \$49,470 | \$50,779 | \$51,740 |
| Position Operating Costs | 0 | \$0 | \$3,684 | \$3,776 | \$3,877 |
| Total Position Cost – Processing Assistants | 0 | \$0 | \$53,154 | \$54,555 | \$55,617 |
| Cost for New Processing Assistants | 0 | \$0 | \$0 | \$27,278 | \$27,809 |
| Additional Level 2 Funding Required | 0 | \$0 | \$4,541,952 | \$7,990,608 | \$8,142,139 |
| Value of Contracts per Administrator | 0 | \$0 | \$5,000,000 | \$5,000,000 | \$5,000,000 |
| New Positions Required – Contract Administrators | 0 | 0.0 | 1.0 | 1.5 | 1.5 |
| Average Salary and Benefits | 0 | \$0 | \$80,435 | \$82,564 | \$84,128 |
| Position Operating Costs | 0 | \$0 | \$3,705 | \$3,803 | \$3,875 |
| Total Position Cost – Contract Administrators | 0 | \$0 | \$84,140 | \$86,367 | \$88,003 |
| Cost for New Contract Administrators | 0 | \$0 | \$84,140 | \$129,551 | \$132,005 |
| Total Community Program Administration FTE | 0 | 0.0 | 1.5 | 3.0 | 3.0 |
| Total Cost All Community Program Positions | 0 | \$0 | \$126,156 | \$243,098 | \$247,745 |

Department of Public Safety – Division of Adult Correction (DAC)

The bill will have minimal impact on the Division of Adult Correction. H.B. 280 keeps 16- and 17-year-old offenders convicted of a Class A-E felonies in the adult system. SPAC reports there were 4,738 convictions that meet the revised criteria of F-I felonies and all misdemeanants supervised under juvenile jurisdiction. Of the 4,738 convictions, few offenders would receive active sentences in State prison. Most would serve their sentences in county jails through the Statewide Misdemeanant Confinement Program.

H.B. 280 will decrease the community corrections population because the majority of the 4,738 convictions receive supervised probation sentences. The Community Corrections Section estimates that there will be 3,511 fewer 16- and 17-year-old serving probation as a result of this bill. Currently, there are 1,855 probation officers with an average caseload of 57 offenders. Therefore, the average caseload would be reduced by 2 offenders per officer (3,511 offenders divided by 1,855 probation officers equals 2). Therefore, there will be no significant savings to the Community Corrections Section as a result of H.B. 280.

Administrative Office of the Courts (AOC)

The same complaint data used in the estimates above was used to estimate the impact on the court system.

| Projections for Complaints Referred to Court | | | |
|---|--------------------------------------|-------------------------|---|
| Complaint Class | Total Complaints After Intake | Percent Diverted | Estimated Complaints Referred to Court |
| Class F felony | 121 | 8.20% | 111 |
| Class G felony | 296 | 0.90% | 293 |
| Class H felony | 2,181 | 3.60% | 2,102 |
| Class I felony | 933 | 1.30% | 921 |
| Subtotal Felony | 3,531 | 2.95% | 3,427 |
| Class A1 misdemeanor | 690 | 15.20% | 585 |
| Class 1 misdemeanor | 6,763 | 20.10% | 5,404 |
| Class 2 misdemeanor | 3,922 | 24.00% | 2,981 |
| Class 3 misdemeanor | 3,216 | 25.80% | 2,386 |
| Subtotal Misdemeanor | 14,591 | 22.17% | 11,356 |
| Infraction | 46 | 31.30% | 32 |
| Total All Complaints | 18,168 | 18.46% | 14,815 |

A 2007 study of North Carolina court workload provided estimates of the minutes per case required for judges and clerks handling juvenile and adult cases. Because the case category for juvenile cases included abuse/neglect/dependency cases, AOC conducted a survey of district attorneys' offices and found that assistant district attorneys spent approximately 1.75 times longer on a juvenile delinquent case than on a comparable adult misdemeanor case. AOC provided three

scenarios for estimates for this bill that used different multipliers, ranging from 1.2 to 28. The table below shows the multipliers for each of AOC’s scenarios.

| AOC Scenarios - Juvenile Case Time Multipliers | | | | |
|---|------------------------|------------------------------|------------------------------|------------------------------|
| | Adult Case Time | Scenario 1 Multiplier | Scenario 2 Multiplier | Scenario 3 Multiplier |
| ADA – Felony | 226.6 | 1.2 | 1.3 | 1.4 |
| ADA – Misdemeanor | 20 | 2 | 3 | 9.4 |
| ADA – Infraction | 6.5 | 2 | 3 | 28.8 |
| DA Legal Assistant – Felony | 179.1 | 1.2 | 1.3 | 1.4 |
| DA Legal Assistant – Misdemeanor | 19 | 2 | 3 | 3 |
| DA Legal Assistant - Infraction | 1.7 | 2 | 3 | 3 |
| District Court Judge – Criminal | 31.87 | 2 | 3 | 3 |
| District Court Judge – Infraction | 6.2 | 2 | 3 | 3 |
| Deputy Clerk – Criminal | 66.4 | 2 | 3 | 3 |
| Deputy Clerk - Infraction | 32.7 | 2 | 3 | 3 |

In Fiscal Research’s estimation, these scenarios overstate the time differential for most juvenile cases. For the purposes of this note, the 1.75 multiplier from 2012 was used across all position categories. To the extent that juvenile cases do require significantly more time, this estimate may be understated.

The minutes used to calculate the number of additional judges, deputy clerks, and assistant district attorneys required by this bill have been raised by a factor of 1.75. For example, the number of minutes per adult case for a district court judge is 31.87. Multiplying 31.87 by 1.75 yields an estimated minutes per juvenile case of 55.77. The tables below shows the minutes per case in the adult system for each position compared to the estimated minutes per case that will be required in the juvenile system for felonies, misdemeanors, and infractions.

| Minutes per Case by Position | | | |
|--|-------------------------------|------------------------------|--|
| Felonies | | | |
| AOC Position | Minutes per Adult Case | Increased Time Factor | Estimated Minutes per Juvenile Case |
| District Court Judge | 31.87 | 1.75 | 55.77 |
| Deputy Clerk | 66.4 | 1.75 | 116.20 |
| Assistant District Attorney | 226.6 | 1.75 | 396.55 |
| District Attorney Legal Assistant | 179.1 | 1.75 | 313.43 |

| Minutes per Case by Position Misdemeanors | | | |
|--|-----------------------------------|----------------------------------|--|
| AOC Position | Minutes per Adult Case | Increased Time Factor | Estimated Minutes per Juvenile Case |
| District Court Judge | 31.87 | 1.75 | 55.77 |
| Deputy Clerk | 66.4 | 1.75 | 116.20 |
| Assistant District Attorney | 20 | 1.75 | 35.00 |
| District Attorney Legal Assistant | 19 | 1.75 | 33.25 |

| Minutes per Case by Position Infractions | | | |
|---|-----------------------------------|----------------------------------|--|
| AOC Position | Minutes per Adult Case | Increased Time Factor | Estimated Minutes per Juvenile Case |
| District Court Judge | 6.2 | 1.75 | 10.85 |
| Deputy Clerk | 32.7 | 1.75 | 57.23 |
| Assistant District Attorney | 6.5 | 1.75 | 11.38 |
| District Attorney Legal Assistant | 1.7 | 1.75 | 2.98 |

To determine the number of positions required as a result of the increased workload for juveniles, the number of minutes per case for each position was multiplied by the number of cases that would be approved for court. Since it can be assumed that the all of the cases would be heard in adult court were it not for the bill, the number of minutes per adult cases was multiplied by the total number of cases to determine the current staffing requirements in the adult system. Total minutes were then divided by the number of minutes in a year for each position. The result was then subtracted from the total number of FTE required in the juvenile system to determine the additional positions that would be required if these cases were juveniles. (All FTE were rounded to the nearest half position, except for judges, which were rounded to the nearest whole position.) Once the number of FTE for each type of position was determined, position costs were applied to derive the cost for the additional FTE. The charts below show the number of additional FTE required and the cost for each type of position by offense classification.

| Estimated Cost for District Court Judges (Based on FY 2017-18 Position Costs) | | | | |
|--|------------------|---------------------|--------------------|------------------|
| District Court Judge | Felonies | Misdemeanors | Infractions | Total |
| Complaints | 3,531 | 14,591 | 46 | 18,168 |
| DPS 2015 % Approved for Court (Est.) | 97% | 78% | 69% | 82% |
| Number of Complaints Approved for Court | 3,427 | 11,356 | 32 | 14,815 |
| Minutes Required per Juvenile Case | 55.77 | 55.77 | 10.85 | |
| Total Additional Minutes Required - Judge | 191,124 | 633,324 | 347 | 824,795 |
| Minutes per FTE - Judge | 83,328 | 83,328 | 83,328 | 83,328 |
| FTE Required for Juvenile Cases - Judge | 2.00 | 8.00 | 0.00 | 10.00 |
| Current Minutes Required for Adult Cases | 112,533 | 465,015 | 285 | 577,833 |
| FTE Required for Adult Cases | 1.00 | 6.00 | 0.00 | 7.00 |
| FTE Difference (Juvenile less Adult) - Judge | 1.00 | 2.00 | 0.00 | 3.00 |
| Salary and Benefit Costs - Judge | \$172,462 | \$172,462 | \$172,462 | \$172,462 |
| Other Recurring Position Costs | \$17,203 | \$17,203 | \$17,203 | \$17,203 |
| Non-Recurring Position Costs | \$9,853 | \$9,853 | \$9,853 | \$9,853 |
| Total Position Cost - District Court Judge | \$199,518 | \$399,036 | \$0 | \$598,554 |

| Estimated Cost for Deputy Clerks (Based on FY 2017-18 Position Costs) | | | | |
|--|------------------|---------------------|--------------------|------------------|
| Deputy Clerk | Felonies | Misdemeanors | Infractions | Total |
| Complaints | 3,531 | 14,591 | 46 | 18,168 |
| DPS 2015 % Approved for Court (Est.) | 97% | 78% | 69% | 82% |
| Number of Complaints Approved for Court | 3,427 | 11,356 | 32 | 14,815 |
| Minutes Required per Juvenile Case | 116.20 | 116.20 | 57.23 | |
| Total Additional Minutes Required - Clerk | 398,217 | 1,319,567 | 1,831 | 1,719,616 |
| Minutes per FTE -Clerk | 85,426 | 85,426 | 85,426 | 83,328 |
| FTE Required for Juvenile Cases - Clerk | 4.50 | 15.50 | 0.00 | 20.00 |
| Current Minutes Required for Adult Cases | 234,458 | 968,842 | 1,504 | 1,204,804 |
| FTE Required for Adult Cases | 2.50 | 11.50 | 0.00 | 14.00 |
| FTE Difference (Juvenile less Adult) - Clerk | 2.00 | 4.00 | 0.00 | 6.00 |
| Salary and Benefit Costs - Clerk | \$41,175 | \$41,175 | \$41,175 | \$41,175 |
| Other Recurring Position Costs | \$7,808 | \$7,808 | \$7,808 | \$7,808 |
| Non-Recurring Position Costs | \$2,299 | \$2,299 | \$2,299 | \$2,299 |
| Total Position Cost - Clerk | \$102,564 | \$205,128 | \$0 | \$307,692 |

| Estimated Cost for Assistant District Attorneys (Based on FY 2017-18 Position Costs) | | | | |
|---|------------------|---------------------|--------------------|------------------|
| Assistant District Attorney (ADA) | Felonies | Misdemeanors | Infractions | Total |
| Complaints | 3,531 | 14,591 | 46 | 18,168 |
| DPS 2015 % Approved for Court (Est.) | 97% | 78% | 69% | 82% |
| Number of Complaints Approved for Court | 3,427 | 11,356 | 32 | 14,815 |
| Minutes Required per Juvenile Case | 396.55 | 35.00 | 11.38 | |
| Total Additional Minutes Required - ADA | 1,358,977 | 397,460 | 364 | 1,756,801 |
| Minutes per FTE - Asst. District Attorney | 90,720 | 90,720 | 90,720 | 83,328 |
| FTE Required for Juvenile Cases - ADA | 15.00 | 4.50 | 0.00 | 19.50 |
| Current Minutes Required for Adult Cases | 800,125 | 291,820 | 299 | 1,092,244 |
| FTE Required for Adult Cases | 9.00 | 3.00 | 0.00 | 12.00 |
| FTE Difference (Juvenile less Adult) - ADA | 6.00 | 1.50 | 0.00 | 7.50 |
| Salary and Benefit Costs - Asst. District Attorney | \$99,975 | \$99,975 | \$99,975 | \$99,975 |
| Other Recurring Position Costs | \$20,216 | \$20,216 | \$20,216 | \$20,216 |
| Non-Recurring Position Costs | \$3,752 | \$3,752 | \$3,752 | \$3,752 |
| Total Position Cost - ADA | \$743,658 | \$185,915 | \$0 | \$929,573 |

| Estimated Cost for ADA Legal Assistants (Based on FY 2017-18 Position Costs) | | | | |
|---|------------------|---------------------|--------------------|------------------|
| ADA Legal Assistant | Felonies | Misdemeanors | Infractions | Total |
| Complaints | 3,531 | 14,591 | 46 | 18,168 |
| DPS 2015 % Approved for Court (Est.) | 97% | 78% | 69% | 82% |
| Number of Complaints Approved for Court | 3,427 | 11,356 | 32 | 14,815 |
| Minutes Required per Juvenile Case | 313.43 | 33.25 | 2.98 | |
| Total Additional Minutes Required - Legal Assistant | 1,074,125 | 377,587 | 95 | 1,451,807 |
| Minutes per FTE - Legal Assistant | 78,315 | 78,315 | 78,315 | 83,328 |
| FTE Required for Juvenile Cases - Legal Assistant | 13.50 | 5.00 | 0.00 | 18.50 |
| Current Minutes Required for Adult Cases | 632,402 | 277,229 | 78 | 909,709 |
| FTE Required for Adult Cases | 8.00 | 3.50 | 0.00 | 11.50 |
| FTE Difference (Juvenile less Adult) - Legal Assistant | 5.50 | 1.50 | 0.00 | 7.00 |
| Salary and Benefit Costs - Legal Assistant | \$55,209 | \$55,209 | \$55,209 | \$55,209 |
| Other Recurring Position Costs | \$8,456 | \$8,456 | \$8,456 | \$8,456 |
| Non-Recurring Position Costs | \$4,198 | \$4,198 | \$4,198 | \$4,198 |
| Total Position Cost - Legal Assistant | \$373,247 | \$101,795 | \$0 | \$475,042 |

In addition to the position costs required, Section 3.2 of the bill requires AOC to expand access to its automated electronic information management system for juvenile courts, JWise, to include prosecutors and attorneys representing juveniles in juvenile court proceedings. AOC estimates the cost of this expansion will be \$910,640 nonrecurring. However, since the expansion will be

handled by existing AOC information technology staff, no additional funding should be required. Therefore, no costs have been included in the estimate for this section.

The chart below shows the amounts required by AOC in each year of the fiscal year estimate. Because the bill has an effective date of December 1, 2019 for the changes to juvenile age, no positions will be needed by the courts before January 1, 2019. Therefore, estimates for FY 2019-20 are for six months. The recurring costs are cumulative, while the nonrecurring costs reflect only the amount needed for the additional positions when they are created in FY 2019-20. Costs have been adjusted for inflation using the inflation rates provided by Moody’s economy.com in January, 2017.

| Estimated Costs for Administrative Office of the Courts | | | | | | |
|--|--------------|-------------------|-------------------|--------------------|--------------------|--------------------|
| Position/Item | FTE | FY 2017-18 | FY 2018-19 | FY 2019-20 | FY 2020-21 | FY 2021-22 |
| District Court Judge | 3.00 | \$0 | \$0 | \$332,820 | \$618,946 | \$630,669 |
| Deputy Clerk | 6.00 | \$0 | \$0 | \$170,348 | \$319,699 | \$325,754 |
| Assistant District Attorney | 7.50 | \$0 | \$0 | \$507,466 | \$980,568 | \$999,140 |
| ADA Legal Assistant | 7.00 | \$0 | \$0 | \$267,282 | \$484,778 | \$493,960 |
| AOC Total Costs | 23.50 | \$0 | \$0 | \$1,277,916 | \$2,403,991 | \$2,449,523 |

Indigent Defense Services (IDS)

The Office of Indigent Defense Services (IDS) provides public defenders for defendants found to be indigent. In FY 2015-16, 50.3 percent of adults charged with a non-traffic misdemeanor were found to be indigent. IDS currently pays the same hourly rate (\$55) to private assigned counsel (PAC) for juvenile and adult cases. However, IDS reports that there may be some change in per case expenditures based on the average amount of time a PAC attorney spend on misdemeanor cases in superior or district court compared to juvenile court. IDS expects cases involving 16- and 17-year-olds in juvenile court to take less time than they would otherwise in superior court while taking more time than they would otherwise in district court. As a result, the transfer of cases from superior court to juvenile court is expected to produce savings, while the transfer of cases from district court to juvenile court is expected to increase costs. The net result is an increased cost to IDS.

G.S. 7B-2000 states that “[a]ll juveniles shall be conclusively presumed to be indigent”. In their analysis, IDS carried through with this assumption when calculating likely costs. The additional cost per district court case is determined by multiplying the current PAC counsel rate of \$55/hour times the number of likely charges times the difference between the time spent on each case in juvenile court compared to another type of court.

For example, IDS calculated the average time for a Class F felony case to be 6.29 hours in district court and 7.96 hours in juvenile court. They also estimated that 64% of Class F felony cases involving 16- and 17-year-olds are tried in district court while 36% of cases are tried in superior court. The difference between the time required (1.67) is multiplied by the number of projected cases involving 16- and 17-year-olds as supplied by AOC earlier in this analysis (111) and times

the percentage of cases in district court (64%), then multiplied by the PAC rate (\$55), resulting in a cost estimate of \$6,521.

These calculations are shown for each class of offense in the table below. To the extent that the statute's underlying expectation of indigence is incorrect and families of juveniles provide their children with counsel, this estimate may be overstated.

| IDS Costs - Superior Court vs. Juvenile Court | | | | | | | | |
|--|--------------------|---------------------------|-------------------------|---------------------------------|---------------------------------|--------------------------------|--------------------------------|------------------------------------|
| | Number of Offenses | % Cases in Superior Court | Cases in Superior Court | Average Hours in Superior Court | Average Hours in Juvenile Court | Rate per Hour - Superior Court | Rate per Hour - Juvenile Court | Cost Difference for Superior Court |
| Class F Felony | 111 | 36% | 40 | 12.23 | 7.96 | \$60 | \$55 | (\$11,840) |
| Class G Felony | 293 | 35% | 103 | 10.6 | 7.73 | \$60 | \$55 | (\$21,718) |
| Class H Felony | 2,102 | 25% | 526 | 9.27 | 6.52 | \$60 | \$55 | (\$103,937) |
| Class I Felony | 921 | 23% | 212 | 8.1 | 5.88 | \$60 | \$55 | (\$34,471) |
| Non-Traffic Misdemeanor | 11,356 | 1% | 114 | 7.33 | 4.17 | \$60 | \$55 | (\$23,991) |
| Infractions | 32 | 0% | 0 | 0 | 2 | \$60 | \$55 | \$0 |
| Total | | | | | | | | (\$195,957) |

| IDS Costs - District Court vs. Juvenile Court | | | | | | | |
|--|--------------------|---------------------------|-------------------------|---------------------------------|---------------------------------|----------------------------|------------------------------------|
| | Number of Offenses | % Cases in District Court | Cases in District Court | Average Hours in District Court | Average Hours in Juvenile Court | Rate per Hour - All Courts | Cost Difference for District Court |
| Class F Felony | 111 | 64% | 71 | 6.29 | 7.96 | \$55 | \$6,521 |
| Class G Felony | 293 | 65% | 190 | 5.6 | 7.73 | \$55 | \$22,259 |
| Class H Felony | 2,102 | 75% | 1,577 | 5.09 | 6.52 | \$55 | \$124,031 |
| Class I Felony | 921 | 77% | 709 | 4.71 | 5.88 | \$55 | \$45,624 |
| Non-Traffic Misdemeanor | 11,356 | 99% | 11,242 | 3.59 | 4.17 | \$55 | \$358,620 |
| Infractions | 32 | 100% | 32 | 0 | 2 | \$55 | \$3,520 |
| Total | | | | | | | \$560,575 |

| IDS Costs - Net | | | | | |
|------------------------|------------|------------|------------------|------------------|------------------|
| Fiscal Year | FY 17-18 | FY 18-19 | FY 19-20 | FY 20-21 | FY 21-22 |
| Superior Court Savings | \$0 | \$0 | (\$114,321) | (\$195,957) | (\$195,957) |
| District Court Costs | \$0 | \$0 | \$327,039 | \$560,575 | \$560,575 |
| Net IDS Costs | \$0 | \$0 | \$212,718 | \$364,618 | \$364,618 |

IDS also estimates that they will also require two additional FTE: one assistant juvenile defender and one contracts administration position. However, the need for these positions is less clear than the PAC requirements already calculated. Unlike AOC, IDS does not have a workload formula for its public defenders. In addition, the need for a contracts administrator is dependent on the results of a current pilot program, the results of which will not be reported to the General Assembly until March 2018.

General Assumptions

General assumptions used throughout this analysis are listed below. In instances where an assumption was used only for a particular calculation, that assumption is noted in the appropriate section of the analysis.

1. Policies and practices currently in place in the Division of Juvenile Justice will be used to manage and treat the new population. This analysis assumes no significant changes will be made to the current system if 16- and 17-year-olds are added.
2. This analysis does not take into account potential fluctuations in the delinquent juvenile population. The State's population growth, if it continues, may lead to increased requirements, while the drop in juvenile crime over the past several years, if it continues, may lead to decreased requirements. Given the short window of impact for this analysis of two years, the most recent year's delinquent population data was carried forward.
3. All costs have been adjusted for inflation based on the rates found on Moody's economy.com as of January, 2017.
4. No personnel funding was estimated prior to the first year of implementation. It is assumed that there will be gradual build-up of services required throughout the year, as not everyone in the projected population will commit a crime and have a complaint filed against them on December 1, 2019. Since the increase in population will be gradual, there is time during the first year of implementation for hiring and training of new staff.

SOURCES OF DATA: Department of Public Safety, Administrative Office of the Courts, Office of Indigent Defense Services, North Carolina Sentencing and Policy Advisory Commission

TECHNICAL CONSIDERATIONS: The bill transfers 16- and 17-year-olds who commit certain felonies, misdemeanors or infractions to the juvenile system, except in the case of violations of motor vehicle laws. AOC has expressed concerns with the viability of separating motor vehicle infractions from other violations of the law. For example, a 17-year-old may be pulled over for speeding but is found to be in possession of a small amount of marijuana. The speeding ticket would in this case be treated as an infraction in the adult system while the marijuana penalty must be treated through the juvenile system under this bill. Separating the two charges may prove complex for the courts and law enforcement to process.

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