



P.O. Box 28004
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The Honorable Roy Cooper
Office of the Governor
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Raleigh, NC 27699-0301
via email to alicia.davis@nc.gov

Dear Governor Cooper,

On behalf of the ACLU of North Carolina, I'm writing to urge you to veto House Bill 834, which significantly rolls back protections for minors in the Raise the Age law.

Under current law, everyone under 18 charged with any crime starts in juvenile court. Juvenile court is a rehabilitation-focused court, is confidential, involves the entire family, and is staffed by people specially trained to work with children. After evaluating the situation – the evidence, the defendant, the criminal history or lack thereof – the district attorney must transfer any 16- or 17-year-old when they are proceeding on Class A-C felonies and has the discretion to keep 16 and 17-year-olds charged with D and E felonies in juvenile court or transfer them to adult court. HB 834 would change that, such that all 16- and 17-year-olds charged with Class A-E felonies would start in adult court, rather than juvenile court. The ACLU-NC strongly opposes this legislation for the following reasons.

Prosecuting children as adults causes significant harm to young people and does nothing to address the underlying causes of youth crime. Studies show that once a child is in adult court, they are more likely to stay in adult court and experience all the collateral consequences that come with it. Among these are having their identity and personal information become public and increasing the chances of lifelong stigma that will significantly impede their ability to rehabilitate. Even if a child is eventually removed to juvenile court, and their criminal court record is expunged, harm has already been done and that child's identity and personal information are already in the media and online.

The consequences for children in the adult system are severe. Children who are convicted in adult court and given an active sentence go to adult prison, with far fewer educational and other programming. Additionally, with children starting in adult court, it will be harder for prosecutors to get juvenile defendants to plead guilty or act as cooperating witnesses because any move from adult court to juvenile court puts the child at risk of being labeled a "snitch," endangering their safety.

The juvenile justice system requires far more accountability, counseling, education, and family involvement than the adult system and it works better. Recidivism is significantly higher when children go through the adult system rather than receive the services and punishment from the juvenile system. This is true with respect to all crime levels, including violent crimes. No evidence supports carving out exemptions from Raise the Age.

The bulk of evidence-based research on juvenile crime highlights the fact that our brains are not fully developed until our mid-twenties. The opportunity for rehabilitation and prevention of recidivism are great in the youth population and this is why best practices on addressing youth crime focus on investing resources in our young people who are most at risk of being involved in violence. The General Assembly set aside money for such programs when they passed Raise the Age in 2019. It's time we began funding them.

Instead, HB834 would return us to ineffective policies of the past that have repeatedly failed to keep our communities and our children safe. If enacted, HB834 will chip away at Raise the Age and exacerbate our mass incarceration crisis.

For these reasons, we ask that you veto this bill and send a message to legislators that it's time to invest in real solutions that further safety, accountability, and justice for all of us.

Sincerely,

Liz Barber
Director of Policy & Advocacy

ACLU
North Carolina