CRIMINAL JUSTICE SYSTEM

Should older juveniles be prosecuted as adults?

Public criminal records in 1 state can last lifetime.

By Christina Sandidge Associated Press

RALEIGH, N.C. — When potential employers conduct a background check on Olivia Brown, they see a 17-year-old who was cited for assault and having a weapon on school grounds — both misdemeanors from when she pepper-sprayed a girl during a fight at school last year.

What the employers won’t see is a young woman who was previously homeless and still managed to graduate early from high school. Brown fears that her “stupid mistake” will wreck her dreams of going to college and one day becoming a psychologist.

If her school fight had happened almost anywhere else in the country, Brown’s case would have been handled in juvenile court. But in North Carolina, 16- and 17-year-olds are tried as adults, and their public criminal records can follow them around for the rest of their lives.

Iisha Brown (left) and her daughter Olivia Brown, 17, worry that with a criminal record, Olivia’s chance at a successful life is ruined. North Carolina has treated teens over the age of 15 as adults in its courts system. AP
“I can’t even go to the mall by myself at 17, but I can get charged as an adult,” Brown said. “When you graduate, you want to do something... but no one wants to hire you now. ... I seemed like a criminal or someone dangerous, which I’m not.”

Since 1919, North Carolina has treated teens over 15 as adults in its courts system. Now, state legislators are looking to “raise the age” of juvenile courts to include 16- and 17-year-olds, just like in 44 other states, according to the National Conference of State Legislatures.

In New York, lawmakers agreed in April to a two-year phase out of automatic adult charges for 16- and 17-year-olds. In five states — Texas, Georgia, Wisconsin, Missouri and Michigan — 17-year-olds are prosecuted as adults.

North Carolina’s “raise the age” proposal, which received overwhelming support from the state House in a 104-8 vote in May, would shift the cases for teens accused of misdemeanors and nonviolent felonies to the juvenile court system, where records are confidential. Teens facing violent felonies, such as murder and rape, could still be tried in adult court.

The measure is now in the Senate, where a competing proposal exists.

Despite the support to “raise the age,” some opponents argue that punishing teens as adults sends a message that North Carolina is tough on crime.

“Let’s continue to administer justice against crime and take care of the victims, not follow the crowd, going soft on crime,” said Rep. Larry Pittman of Cabarrus County, a Republican who voted against the measure.

Supporters say teens such as Brown are at a disadvantage compared with youths in other states. A criminal record may keep Brown from being able to secure a loan for college. And she could face difficulty applying for professional licenses and certificates and even securing public housing, said Rep. Marcia Morey, a Democrat from Durham County.

As a former judge, Morey said she saw people in their 40s and 50s struggling to get promotions and new jobs because of convictions from their teenage years.

“It still has lasting consequences,” Morey said.

Data from the North Carolina Sentencing and Policy Advisory Commission showed that misdemeanors made up about 80 percent of the crimes that 16- and 17-year-olds who were convicted of in 2014, while only a small fraction, roughly 3 percent, were violent felonies.

Brown’s mother, Iisha Brown, said her daughter was recently interviewed for a job at a store and was turned down because of her criminal background check. The family said they have been back and forth to court to try to get the charges dismissed.

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