

Juvenile Justice in Mecklenburg County

Race Matters
for Juvenile Justice



Council for
Children's
Rights

2019

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Did you know?

The federal Juvenile Justice and Delinquency Prevention Act of 1974 was reauthorized in December 2018 with significant implications for juvenile justice in the U.S.

North Carolina is the last state in the U.S. to regard all 16- and 17-year-olds as adults in the justice system—and that changes in December 2019 based on Raise the Age legislation.

Despite similar offending rates and patterns, Black youth are disproportionately more likely than White youth to be suspended and expelled from school and Black and Latinx youth are disproportionately more likely to have juvenile justice complaints filed against them and more likely to be detained as compared to White youth.

Want to learn more — including what you can do to make a difference?

Read this report compiled by Council for Children's Rights and Race Matters for Juvenile Justice—especially the Call to Action and Opportunities on page 9—and get involved in juvenile justice!

How will the youth court-involvement function differently after 12/1/2019?

Pre-Raise the Age

Ages 6-15: Complaint filed in juvenile court by law enforcement → intake → child presumed indigent and provided public defender (PD) → district attorney (DA) reviews evidence and makes charging decision

Ages 16-17: Complaint filed automatically filed in adult criminal court → youth must prove indigence to obtain a public defender → district attorney (DA) reviews evidence and makes charging decision

probable cause (PC) hearing
case resolved in juvenile court
records sealed

transfer hearing at DA's request

judge's transfer decision

case is resolved in adult criminal justice system
charges and conviction are public record

Post-Raise the Age (December 1, 2019)

Ages 6-17: Complaint filed in juvenile court by law enforcement → intake → child presumed indigent and provided a PD → DA reviews evidence and makes charging decision

A-G felony

misdemeanor or H-1 felony

juv. DA indicts or PC hearing (90 days)

transfer hearing at DA's request

PC hearing

transfer to adult court where adult DA reviews case

judge's decision based on facts of the case

transfer back option w/ joint motion by adult DA and PD

case is resolved in adult system
charges and conviction are public record

case resolved in juvenile court
records sealed

Why is it important to have a report on Juvenile Justice?

Since 2008, the month of October honors efforts to prevent children from entering the juvenile and criminal justice systems. This month advocates particularly emphasize the need to reduce the use of detention and confinement, increase the use of rehabilitative community programs, eliminate solitary confinement for youth, and end racial and ethnic disparities in the juvenile and criminal justice systems.

Because data about the juvenile justice system are limited, particularly at the county level, Council for Children's Rights and Race Matters for Juvenile Justice compile this report to inform concerned stakeholders about the state of juvenile justice; particularly as they prepare to implement raise the age legislation. In the future, we will endeavor to include additional data points, to diversify data sources, and to interrogate the data more critically as we publish this report annually during Youth Justice Awareness Month.

Juvenile Justice Flow Chart

Complaint filed → Intake → Diversion or Formal Charge → Court (if approved) → Adjudication → Disposition

How is the Juvenile Justice different from the Criminal Justice System?

Juvenile justice, unlike the adult criminal justice, is designed to balance public safety with a child's welfare and development. The adult court focuses on whether a crime was committed and, if so, then determines punishment, yet the juvenile court reaches further into the circumstances of a child's life to focus on the whole child and address the educational, health, housing, prosocial, and familial needs identified. Because time is critical in a child's life, juvenile court strives to handle cases swiftly while also ensuring that the needs of child and family are addressed to mitigate further involvement in the juvenile justice and to give them the best opportunity to be successful in society.

Four key elements are paramount to these efforts:

1. Parents are required to actively participate in all court hearings and comply with orders made by the judge.
2. Unlike the adult system, any matter brought to juvenile court remains confidential and unavailable to the public.
3. In the juvenile system, many children have the opportunity to avoid court by participating in local diversion programs.
4. The terminology used in juvenile court is deliberately different than in the adult system. For instance, what would be considered a criminal act in the adult system is referred to in the juvenile system as a delinquent act. (Definitions can be found on page 9 and a complete juvenile justice glossary is available [here](#).)

2018 JJDPa reauthorization:

The Juvenile Justice & Delinquency Prevention Act was established in 1974. The 2018 reauthorization:

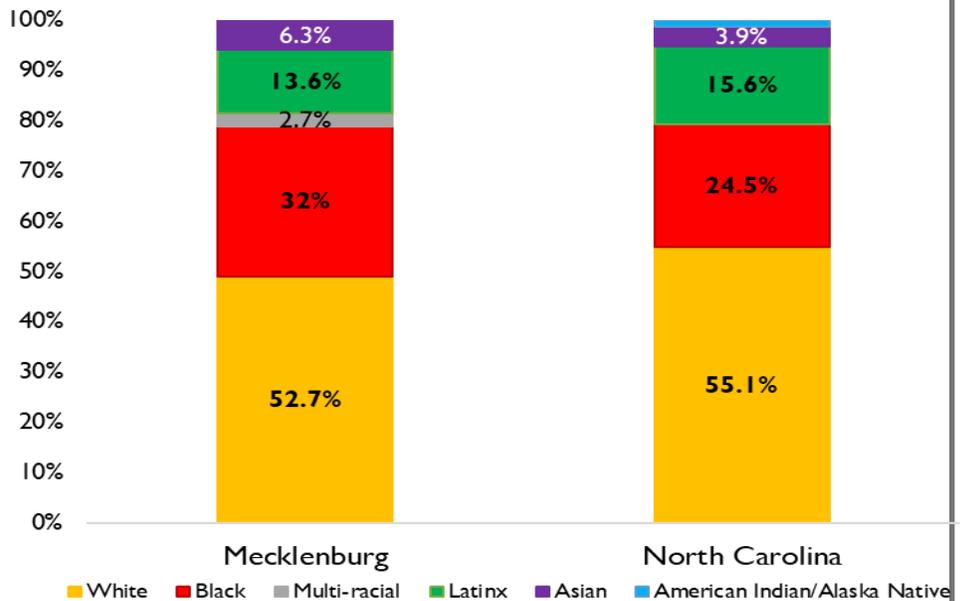
- Strengthens deinstitutionalization of status offenders
- Improves jail removal and sight/sound separation from adults
- Recognizes exposure to violence and trauma
- Provides comprehensive services for youth
- Incentivizes use of evidence-based practices
- Improves juvenile justice confinement conditions
- Ends use of certain restraints on pregnant juveniles
- Addresses the unique needs of system-involved girls
- Adds protections for Tribal youth
- Provides judicial training and promotes fairness
- Reduces juvenile justice contact points from nine to five

The data in this report reflect current North Carolina Law, which only includes children who are between the ages of six and 15 at the time of the alleged delinquent act in juvenile court, whereas youth ages 16 and 17 are currently automatically tried in adult court. With passage of Raise the Age legislation (see supplement [here](#)) beginning December 2019, the age of criminal responsibility for all crimes will increase from 16 to 18 with a special transfer process for 16- and 17-year-olds charged with A-G felonies.

How do the racial demographics in Mecklenburg County compare to North Carolina?

Figure 1 provides race and ethnicity demographics as context for understanding subsequent sections of this report exploring race/ethnicity and involvement with justice systems. According to the U.S. Census Bureau, as of July 1, 2018, an estimated 10,383,620 youth under 18 (22.2%) lived in the state and 1,013,901 youth

Figure 1: Youth Racial Demographics (under 18-years-old)



Why are race and ethnicity

Historically, the term Disproportionate Minority Contact (DMC) was used to describe the overrepresentation of individuals of color in the juvenile and criminal justice system. Because people of color are not the mathematical minority in some places across the US and because disproportionate impact persists, the terminology was updated in the 2018 reauthorization of the Juvenile Justice and Delinquency Prevention Act to Racial/Ethnic Disparities (RED) (see supplement [here](#)). Also, stakeholders advocate for achieving racial and ethnic equity – not simply reaching proportionality. In assessing the relationship between race/ethnicity and juvenile and criminal justice, it is important to understand what affects disparate outcomes

Youth with Juvenile Justice contact...

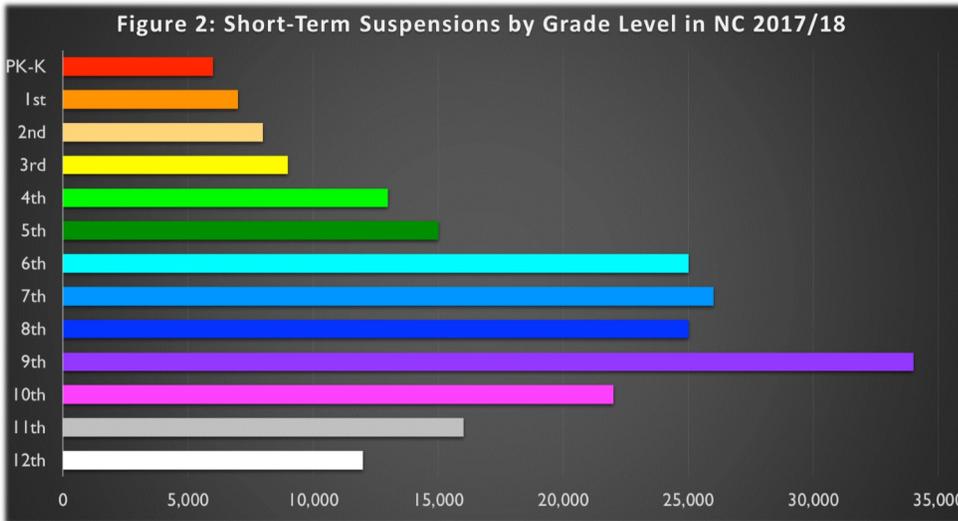
- have lower rates of educational attainment,
- drop out of school at higher rates,
- experience lower employment rates and earnings,
- are more likely to become involved with the Criminal Justice system, as compared to youth without juvenile justice system contact.

What is the connection between juvenile/criminal justice and the education system?

The connection, referred to as the School-to-Prison Pipeline (STPP), has been rigorously examined by researchers who outlined several factors that contribute to a pathway between the education and juvenile or adult criminal justice system (below). Specifically, exclusionary discipline practices and zero tolerance policies that increase a child’s chances of engaging with law enforcement. For more additional information on STPP, various contributing factors, and associated negative outcomes, see the 2019 supplement [here](#).



School Discipline and the School-to-Prison Pipeline

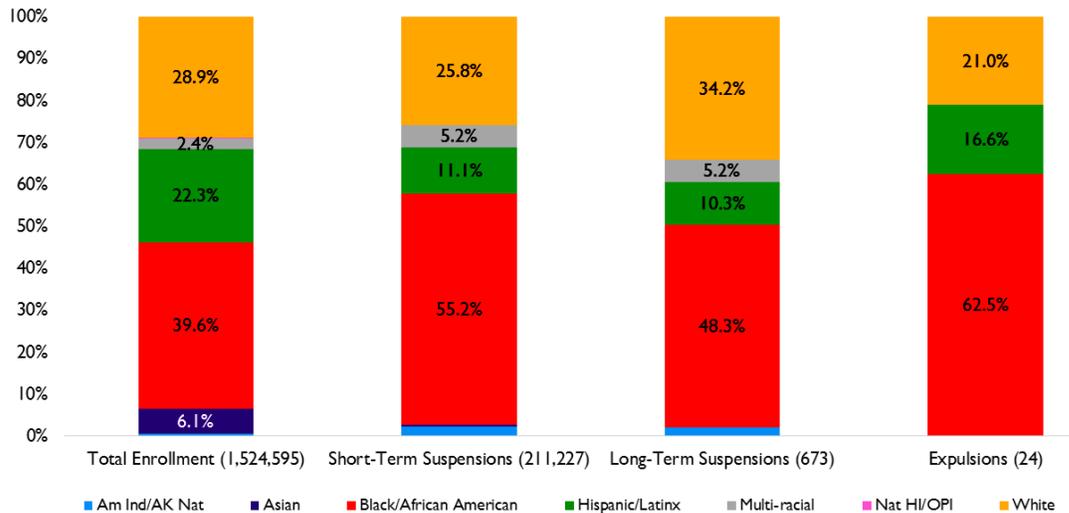


Evidence suggests that youth with just one suspension or expulsion are at increased risk of juvenile justice or criminal justice system contact. Research also warns against the use of exclusionary discipline for students in Pre-K through 2nd grade increases their likelihood of future disciplinary action. Figure 2 shows NC’s use of short-term suspension, the most common form of exclusionary discipline, across grade levels.

Further concerning is that 1 in 7 students who were suspended from school had a subsequent contact with Juvenile Justice system. However, those odds are not equitably experienced across racial lines and, once disaggregated, they equate to 1 in 5 Black students, 1 in 6 Latinx students, and 1 in 10 White students.

Figure 3: North Carolina Suspensions & Expulsions by Race/Ethnicity (2017/18)

During the 2017-18 academic year, NC’s total school enrollment was 1,524,595 youth. Black youth constituted 39.6% of the total students enrolled, yet were subjected to each type of exclusionary discipline at disproportionately higher rates. Yet, there is no evidence to suggest that Black youth violate the student



code of conduct at higher rates than their White peers. In fact, understanding behaviors that result in suspension at Charlotte-Mecklenburg Schools (CMS) is extremely difficult when 97% are documented as “unacceptable behavior” and considered “discretionary.” Additionally, there is a misperception that the majority of school-based offenses that are referred to the Juvenile Justice System fall under the 16 acts (defined on page 9) that districts are required to report to the State Board of Education. However, NC’s top ten school-based offenses referred to the Juvenile Justice system in 2017 were misdemeanors and status offenses.

What is considered exclusionary discipline?

Short-term suspension: exclusion from school for up to 10 school days

Long-term suspension: exclusion from school for more than 10 school days

Expulsion: indefinite exclusion from school

What can we learn from Juvenile Justice trend data?

From 2008 to 2018, the total number of complaints from Mecklenburg County decreased 28.7%:

- ⇒ Misdemeanors decreased by 46.6% (or 1,236 complaints)
- ⇒ Serious felonies increased 18.2% (or 143 complaints)
- ⇒ Violent felonies increased by 68.5% (or 74 complaints)

It is important to note that because of the relatively few number of serious and violent complaints, small numerical changes can result in misleading increases in percent change. In 2018, violent felonies accounted for less than 10% of Mecklenburg County complaints. Breaking these data down by race and ethnicity reveals stark differences between the youth population and juvenile justice populations. In 2018, Black youth accounted for 28.1% of Mecklenburg County's youth population but 79% of youth with juvenile justice system contact.

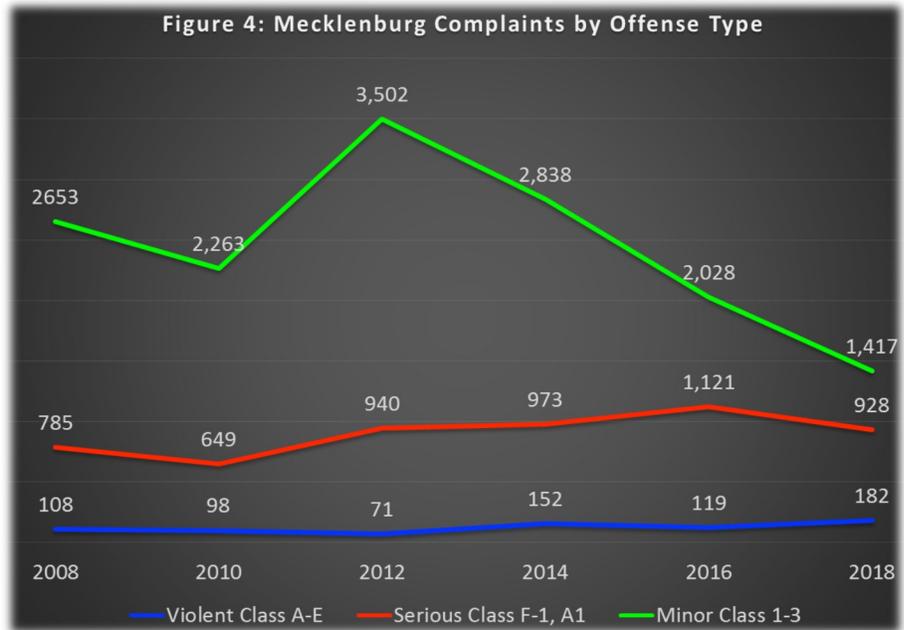


Figure 5: 2018 Mecklenburg Racial Demographics

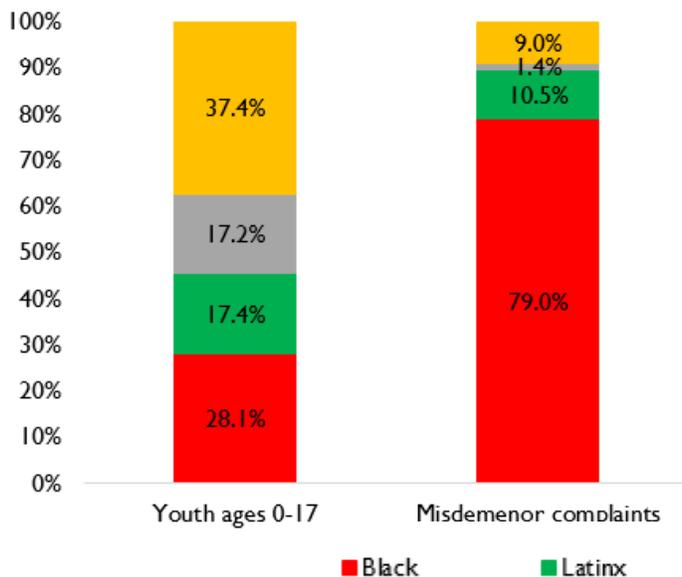
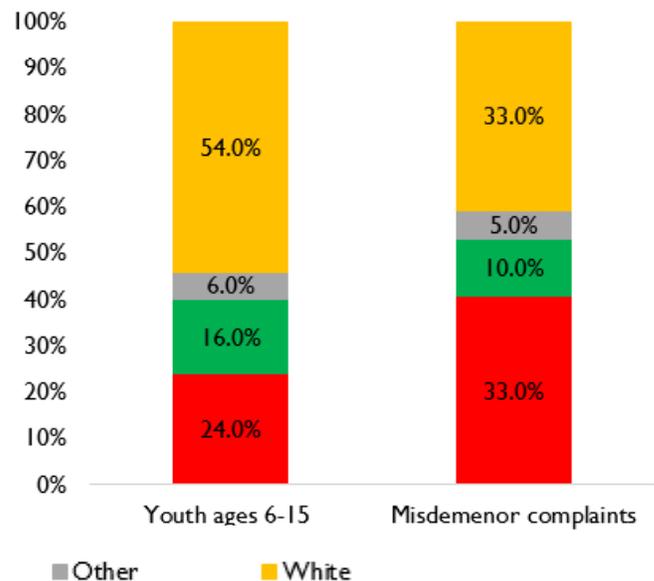


Figure 6: 2018 North Carolina Racial Demographics

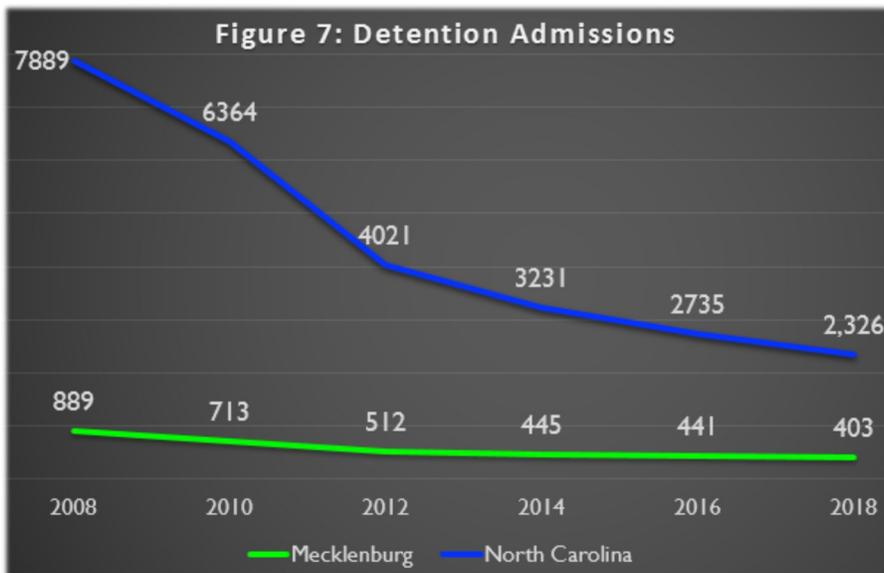


Several factors contribute to the overrepresentation of children of color. They include over-policing, criminalizing poverty, and differing treatment based on degrees of social capital, among other systemic disadvantages. They do not include differential offending behavior. At the state level, misdemeanors account for 72% of all complaints, which means that the majority of referrals to court are for low-level offenses. Though the racial and ethnic disparities are not as significant at the state-level, Figure 6 shows that they still exist.

Confinement: Detention and Incarceration

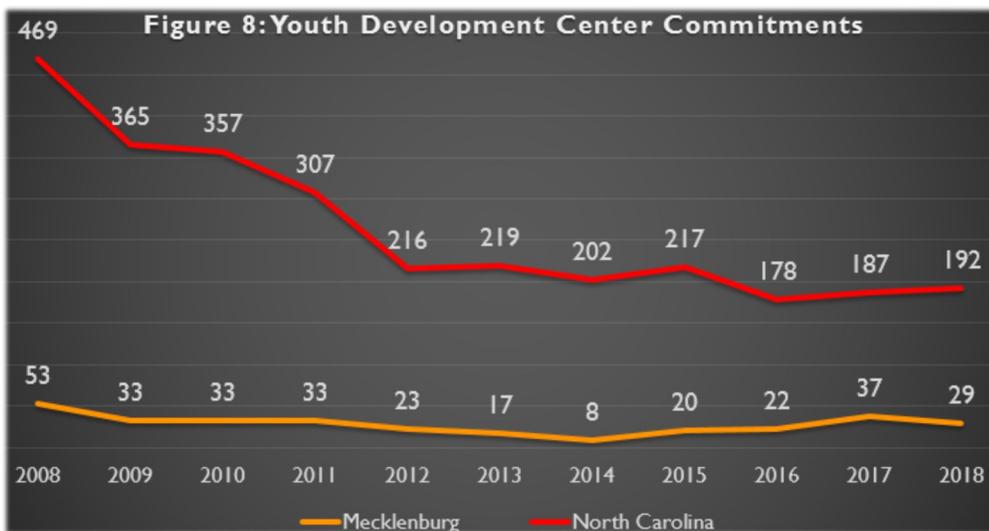
Juvenile detention centers in North Carolina are used to temporarily house children who are awaiting a court hearing or available placement. There are several reasons why children might be detained during their court involvement such as, they pose a danger to themselves, they have violated a condition of their release, or the community lacks a placement that would fit their needs. Additional information on juvenile detention centers can be found [here](#).

Mecklenburg’s use of detention declined at higher rates than did the number of complaints. From 2008 to 2018, the number of youth detained decreased by 120.6% (or 486 fewer admissions). A steep decline of 73.7% from 2008 to 2012 was followed by a gradual decrease of 10.4% in detention admissions from 2014 to 2018. North Carolina followed a similar downward trend where detention admissions decreased 70.5% (or 5,563 admissions) from 2008 to 2018.



Children who are at least 10 years of age and are found responsible for a delinquent act may be committed to a youth development center (YDC) for a period of at least six months or up to the child’s 18th, 19th, or 21st birthday (N.C.G.S § 7B-2513). Commitment, or a Level III disposition, is the most severe punishment in the juvenile justice system. More information about YDCs can be found [here](#).

YDC Commitments declined 82.8% (or 24 commitments) in Mecklenburg and 144.3% (or 277 commitments) at the state-level from 2008-2018. However, the decade’s decline in Mecklenburg’s utilization of YDC can be misleading since the number of commitments has more than tripled since 2013 (when they reached an all-time low). Furthermore, as YDC commitments decline, disproportionate impact becomes clearer.



leading since the number of commitments has more than tripled since 2013 (when they reached an all-time low). Furthermore, as YDC commitments decline, disproportionate impact becomes clearer.

In 2018, 90% of Mecklenburg’s commitments and 77% of the state’s commitments to YDCs were for Black youth

The risk that an upward trend continues once we raise the age (RTA) is paramount. RED must be evaluated and addressed particularly considering NC’s largest RTA investment was a \$13.2 million allocation to build a new youth prison.

Why is RED important again?

RED exists because of both conscious and unconscious racial/ethnic differential treatment (explicit/implicit bias) at the individual and system levels. It leads to:

- ⇒ Over-representation of youth of color in the justice system.
- ⇒ Different processing, treatment, and outcomes for youth in juvenile justice based on their race/ethnicity.
- ⇒ Unnecessary entry into the justice system and or more severe consequences in the juvenile justice system for youth of color.

Unfortunately, it can difficult for professionals to detect RED in their day-to-day work because legislation that may appear fair or race-neutral often results in unintended consequences for youth of color, opportunities to access prevention or treatment rely on subjective criteria, and decision making processes are too infrequently data-driven or data-informed.

Examining data is particularly important to reveal RED patterns and to identify opportunities to correct them. In 2018, per federal requirements, the NC Juvenile Justice Committee conducted a statewide assessment of DMC/RED in North Carolina. The assessment included both qualitative analyses (survey responses from 220 members of 10 stakeholder groups) as well as the quantitative analyses (both relative rate indices (RRI) and case processing data provided by the Department of Public Safety).

"There is no issue of DMC in my county. All juvenile contacts are treated the same based on the severity of the crime and the person's previous criminal history."
[Sheriff]

"I do not see our county having this problem." [School Resource Officer]

"I do not think either plays a part with our youth. I think youths are treated very fairly in our area regardless of race, sex or origin." [Police Chief]

Survey respondents included defense attorneys, district attorneys, Juvenile Crime Prevention Council (JCPC) Chairs, judges, juvenile court counselors, local program managers/service providers, police chiefs, school resource officers, sheriffs,

and YDC/detention center coordinators. Most respondents identified DMC/RED as a problem, but law enforcement, police chiefs, and sheriffs, collectively, regarded it as less of a problem.

Relative Rate Indices (RRI's) divide occurrence at contact points by the number of youth in the general population for a rate of comparison. The Office of Juvenile Justice and Delinquency Prevention uses RRI's to assess DMC in jurisdictions, using White youth as the reference group.

REDuction Strategies

- Disaggregate data by race and ethnicity and use data to inform policy and practice.
- Collaborate with state and local agencies, police, judges, and community stakeholders.
- Change culture from punitive/procedural focus towards what's best for the youth, family, and community.
- Affiliate with national Juvenile Justice reform initiatives.
- Create alternatives to detention, secure confinement, and formal system involvement.
- Develop an intentional focus on RED reduction.
- Cultivate leadership at both state and local levels. Make reducing RED a Long-Term Priority.

Mecklenburg RRIs

- Black youth are at least 9X more likely to have received complaints in the Juvenile Justice system
- Black youth are at least 3.5X more likely to be detained
- LatinX youth are at least 1.8X more likely to have received complaints in the Juvenile Justice system
- LatinX youth are at least 3X more likely to be detained

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Definitions

- **16 reportable offenses:** assault resulting in serious personal injury; assault involving use of a weapon; assault on school officials, employees, and volunteers; making bomb threats or engaging in bomb hoaxes; willfully burning a school building; homicide; kidnapping; unlawful, underage sales, purchases, provision, possession, or consumption of alcoholic beverages; possession of controlled substance; possession of firearm; possession of weapon; rape; robbery with a dangerous weapon; sexual assault.
- **Violent Class (A-E Felonies):** Examples include robbery with firearms, kidnapping, 1st degree sexual offense, and voluntary manslaughter
- **Serious Class (F-I Felonies):** Examples include common law robbery, larceny of property worth more than \$1,000, breaking or entering buildings, possessing stolen goods
- **Minor Class (Misdemeanors A1, I-3):** Examples include larceny of property (worth less than \$1,000), assault, resisting officers, disorderly conduct, communicating threats
- **Status Offense:** an infraction that is only prohibited because of the legal standing of a group of people, most often minors. For instance, the consumption of alcohol is illegal for minors based on their age.

Call to Action

With increased attention to juvenile justice, spurred by raise the age, we have a unique opportunity to create lasting reform in our state and community. In order to do so, we must consider current practices as well as the populations who most often find themselves in contact with the system.

Opportunities:

- Stay informed and keep your networks informed. You can do so by signing up for [Action Alerts](#) from Council for Children's Rights.
- Learn more about the juvenile justice system, disproportionate involvement, and disparate treatment of children of color by visiting [Race Matters for Juvenile Justice](#).
- Use REDuction strategies where applicable in your organization.
- Encourage the use of the school-justice partnership (SJP) toolkit to enhance or supplement your work.
- Meet with and encourage administrators at your child's school to consider [restorative justice and supportive discipline practices](#) instead of exclusionary discipline.
- Urge your local Board of Education to [disrupt the school-to-prison pipeline](#) by using data and research to make decisions.
- Encourage your local Board of Education and Superintendent to take a [public health approach to school safety](#), instead of fortifying schools or hiring more School Resource Officers.
- Tell state and local decision-makers to make confinement (detention and incarceration) an option only after community-based intervention options have been exhausted
- Advocate for North Carolina to follow the examples of other states and raise the lower age of juvenile justice jurisdiction from six-years-old. You can do so by knowing your representatives and contacting them often.

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