

# Juvenile Justice in Mecklenburg County

**Race Matters**  
for Juvenile Justice



**Council for  
Children's  
Rights**

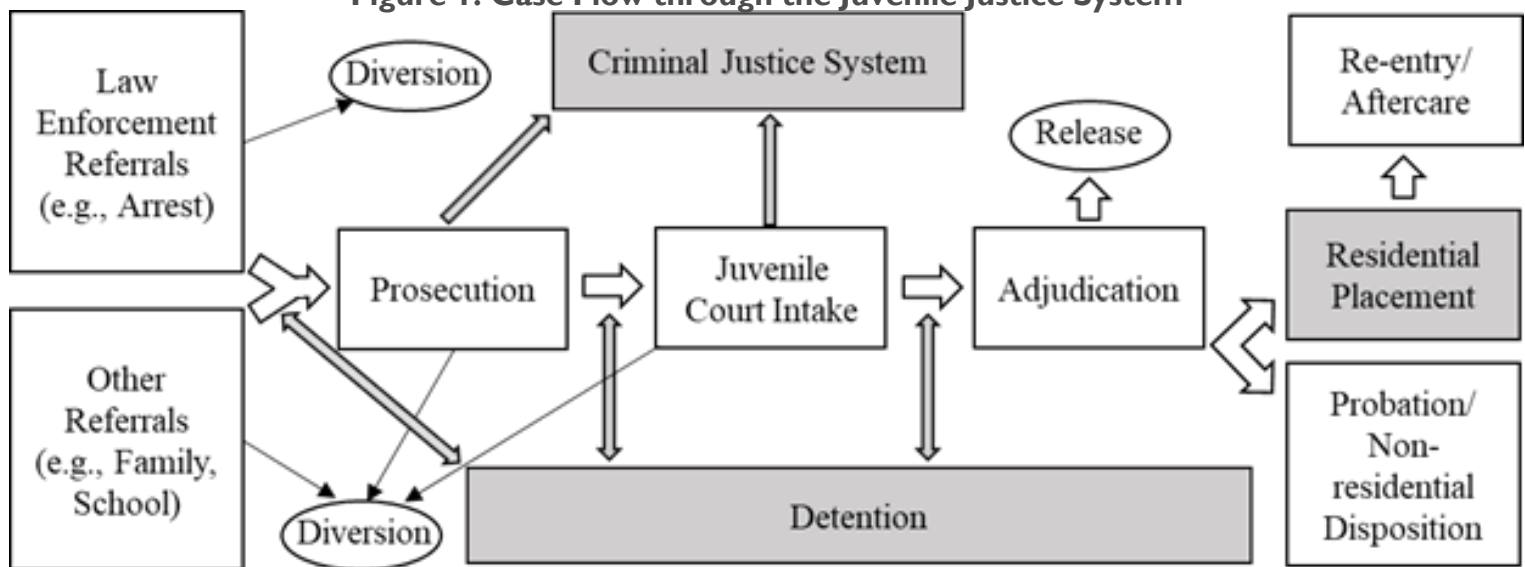
2020

The year 2020 brought many changes to the juvenile justice system, including: a full year of Raise the Age and practice changes as a result of the pandemic. Due to data lag, this report includes 2019 data. Although we will not fully understand the implications of this year for some time, the ways in which the system shifted are important to recognize.

After a period of courtroom closures, Mecklenburg County began to hold in-person juvenile court hearings in June. It is essential juvenile court hearings continue in order to protect children's rights to an arraignment, speedy trial, and disposition. In the courtroom, social distancing is enforced with seats spaced six-feet apart and Plexiglas separating all parties.

Video conferencing is being utilized for youth in detention facilities and development centers. Virtually, youth are able to see the Judge, their attorney, the Court counselor and the Assistant District Attorney in different boxes on the screen but they are not able to see their parents. Video conferencing is linked to negative outcomes, such as harsher penalties and lower understanding of the proceedings<sup>1,2</sup> but its current utilization reduces the need for youth to isolate each time they return to the facility from court. Youth who are currently in juvenile justice facilities are facing increased isolation, as many of us during this time of social distancing. However, the impact to young people is exponentially higher since they are experiencing some of the most important moments of their development and rely on contact with others.

**Figure 1. Case Flow through the Juvenile Justice System**



## Moving through the System

Figure 1<sup>3</sup> illustrates a youth's potential pathway through the juvenile justice system, starting with a referral from law enforcement or another source (e.g., school). At this stage, youth may be diverted to community-based services or sent to court. Youth who are court-involved may be detained and released from detention at any point in this process. At intake, youth may remain in the juvenile system or be transferred to the adult criminal justice system. Youth who remain in juvenile court are adjudicated, or found responsible. Youth may then be released or may be required to have additional contact with the juvenile court system in the form of probation or a residential placement.

At some stages in this pathway, there are statutory mandates which juvenile court decision-makers must follow. For instance, under Raise the Age, 16- and 17-year-olds accused of A-G felonies are transferred to the adult criminal justice system. In contrast, many stages require decision-makers' discretion which can significantly alter a youth's path through the system. Further, biases can influence discretionary decisions which contribute to racial and ethnic disparities in the system.<sup>4</sup>

For more information on terms used in the juvenile justice system, check out this [glossary](#).

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

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 we implement and improve on raise the age legislation in the midst of a global crisis. We use this report to 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.

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.

### Juvenile Justice Flow Chart

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

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

Juvenile justice, unlike the adult criminal justice system, 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, determines punishment. 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 system and to give them the best opportunity to be successful in society.

### Four unique 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. Any matter brought to juvenile court remains confidential and unavailable to the public.
3. Youth may 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 and reauthorized in 2018. The 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<sup>5</sup>

## Juvenile Justice Fact

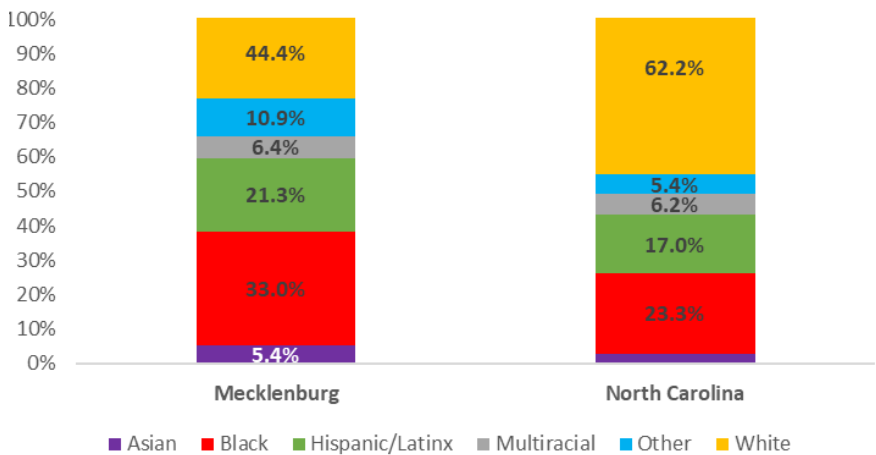
### Did you know?

Before Raise the Age legislation was implemented in 2019, North Carolina was the last state in the U.S. to treat all 16- and 17-year-olds as adults in the justice system. In 2020, there are still five U.S. states that treat all 17-year-olds as adults (GA, MI, MS, TX, WI, MS, MI); however, MI and MS will implement raise the age in 2021.<sup>6</sup>

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

Figure 2\* 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, 2019, an estimated 2,293,972 youth under 18 (21.9% of state population) lived in North Carolina and 258,148 youth (23.2% of county population) resided in Mecklenburg.

Figure 2. 2019 Racial/Ethnic Demography under 18



## Why are race and ethnicity critical to this discussion?

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 by race and ethnicity.

### 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.

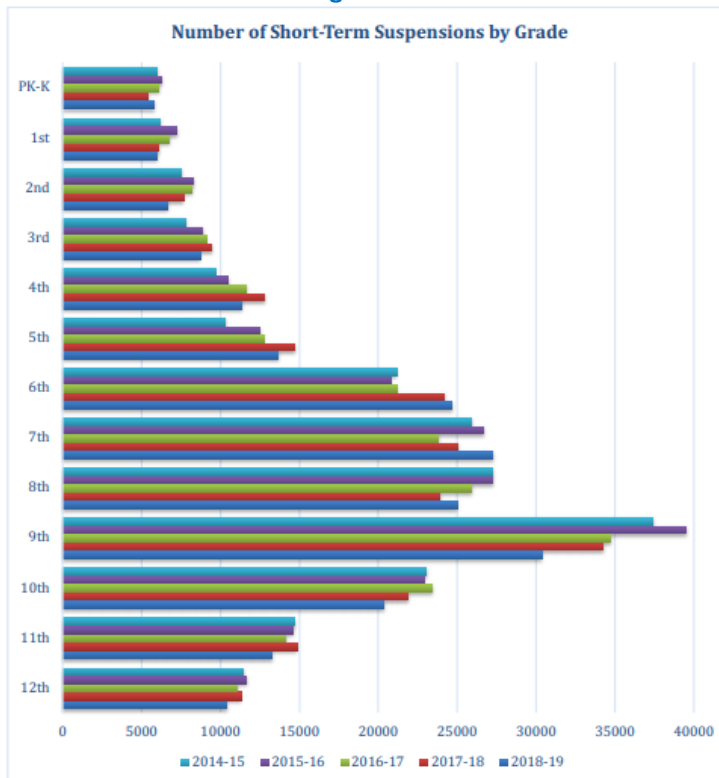
## What is the connection between juvenile/criminal justice and the education system?

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 (see below).<sup>7</sup> With fewer students in the classroom due to the COVID-19 pandemic, the long-term effect on the STPP remains uncertain. Pre-existing education gaps, however, have been made worse due to inequities in access to technology and educational supports. Further, virtual learning has fallen short of addressing the needs of many students with special education requirements, a group that is overrepresented in the juvenile justice system.<sup>8</sup>



## School Discipline and the School-to-Prison Pipeline

Figure 3:



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 which increases their likelihood of future disciplinary action. Figure 3<sup>9</sup> 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.<sup>10</sup>

Table 1: CMS Suspensions and Expulsions (per 1000 Students in Subgroup) 2018-19

	Short-term Suspensions	Long-term Suspensions	Expulsions
<b>ALL</b>	129.54	0.14	0.06
<b>Female</b>	81.69	0.07	0.01
<b>Male</b>	174.1	0.21	0.11
<b>American Indian</b>	121.95	0	0
<b>Asian</b>	18.95	0	0
<b>Black</b>	254.82	0.29	0.16
<b>Hispanic</b>	71.22	0.08	0
<b>Pacific Islander</b>	72.54	0	0
<b>Two+ Races</b>	124.3	0.25	0
<b>White</b>	37.2	0.02	0
<b>Economically Disadvantaged</b>	205.77	0.23	0.06
<b>English Learners</b>	51.12	0.05	0
<b>Students with Disabilities</b>	266.34	0.14	0.07

### 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

Youth may become involved in the justice system through a referral from their school for a school-based offense. In 2019, 10,962 juvenile justice referrals originated in NC schools, representing 45% of the state's total complaints. Although there was a 32% decrease in school-based offenses between 2010 and 2019, Black students were disproportionately referred to the justice system and comprised more than half of all school-based complaints. Yet, there is no evidence to suggest that Black youth commit offenses or violate the student code of conduct at higher rates than their White peers. Additionally, students tend to be referred to the justice system for low-level offenses.<sup>7</sup>

In 2019, NC's top ten most referred school-based offenses were misdemeanors and status offenses, such as simple assault, disorderly conduct at school, simple affray, truancy under 16, and communicating threats.<sup>11</sup>

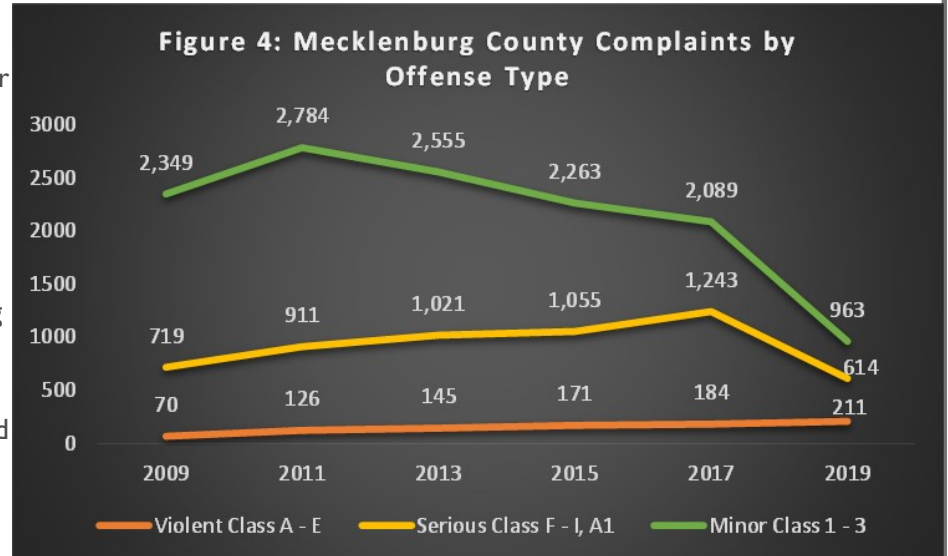


## What can we learn from Juvenile Justice trend data?

From 2009 to 2019, the total number of complaints from Mecklenburg County decreased 43.0%:

- ⇒ Misdemeanors decreased by 59.0% (or 1,386 complaints)
- ⇒ Serious felonies decreased 14.6% (or 105 complaints)
- ⇒ Violent felonies increased by 201.4% (or 141 complaints)

It is important to note that because of the relatively few number of violent complaints, small numerical changes can result in misleading increases in percent change. In 2019, violent felonies accounted for 11.8% of Mecklenburg County complaints. Breaking these data down by race and ethnicity reveals stark differences between the youth population and juvenile justice populations. In 2019, Black youth accounted for 32.9% of Mecklenburg County's youth population but represented 75.5% of misdemeanor complaints (Figure 5).



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 cannot be explained by differential offending behavior.<sup>7</sup> At the state level, misdemeanors account for 65.5% 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 stark at the state-level, Figure 6 shows that they still exist.

Figure 5: 2019 Mecklenburg Misdemeanor Complaints

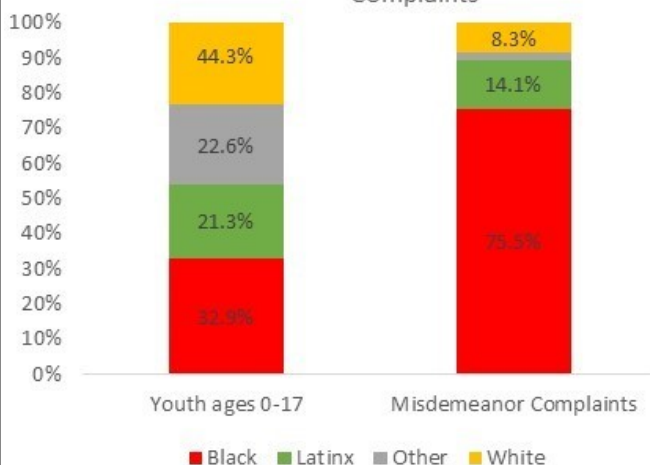
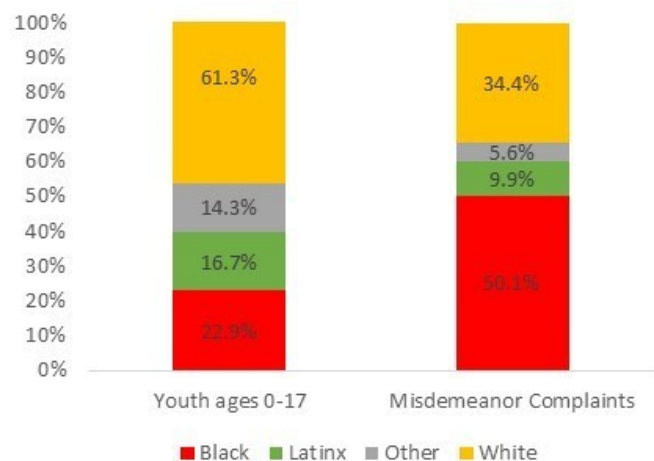


Figure 6: 2019 NC Misdemeanor Complaints



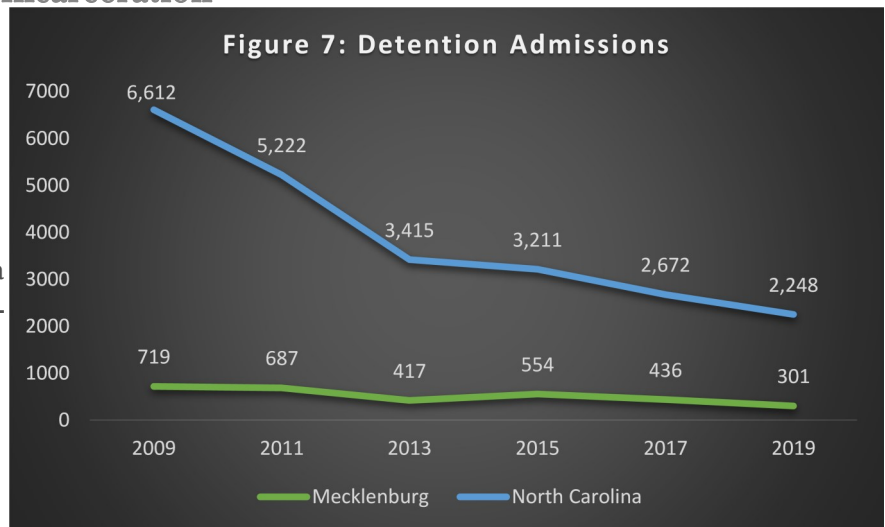
## Juvenile Justice Facts

### Did you know?

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. These disparities have worsened over time.<sup>7,10</sup>

## 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](#).

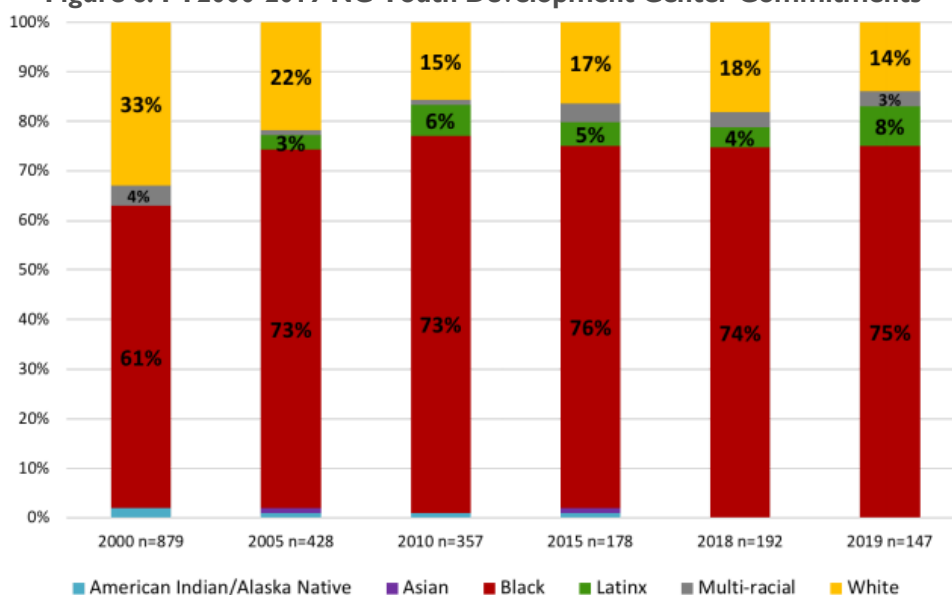


Mecklenburg's use of detention declined at higher rates than did the number of complaints. From 2009 to 2019, the number of Mecklenburg County youth detained decreased by 58.1% (or 418 fewer admissions). Detention admissions in North Carolina decreased 66.0% (or 4,364 admissions) from 2009 to 2019. Detention admissions fell more sharply from 2009 to 2013 (48.4%) compared to 2013 to 2019 (34.2%).

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 30.3% (or 10 commitments) in Mecklenburg and 59.5% (or 217 commitments) at the state-level from 2009 to 2019. However, the decade's decline in Mecklenburg's utilization of YDC can be misleading since the number of commitments almost tripled since 2014 (when they reached an all-time low of 8 youth). Furthermore, as YDC commitments decline, disproportionate impact becomes clearer.

**Figure 8. FY2000-2019 NC Youth Development Center Commitments**



In 2019, 75% of the state's commitments to YDCs were Black youth.

**We must continue to evaluate and address instances of racial/ethnic disparities in our system. In addition, we must attend to potential spikes and disparities in YDC commitments as NC's largest Raise the Age investment was a \$13.2 million allocation to build a new youth prison, which increased bed capacity across the state by 106%.<sup>11</sup>**

## Why is RED important?

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.<sup>12</sup>

**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.

### 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

### 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.

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\*Note: percentages will not add up to 100% as Hispanic/Latinx is not measured as a distinct category. Moreover, Hispanic/Latinx individuals will be represented in that ethnic category as well as a racial category (e.g., Black, White, multiracial).

## Definitions

- **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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