

Juvenile Justice in Mecklenburg County

Race Matters
for Juvenile Justice



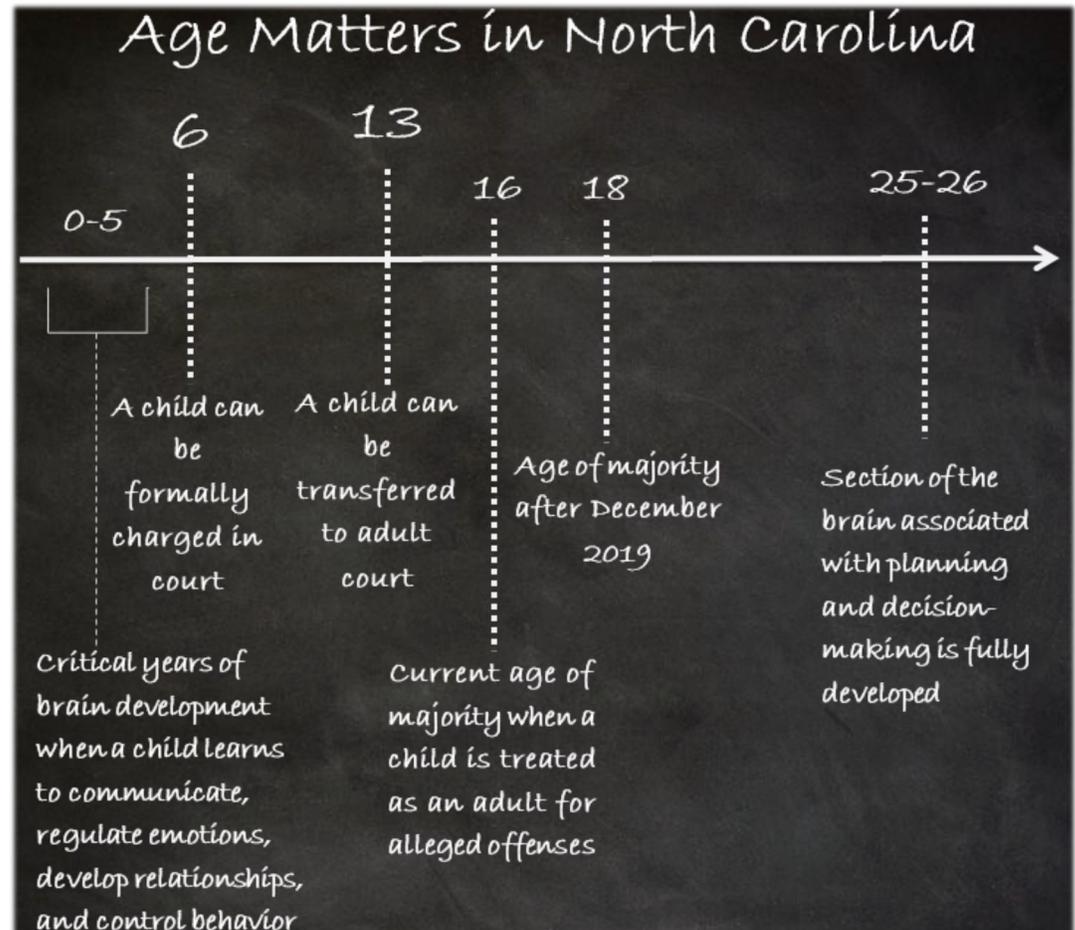
**Council for
Children's
Rights**

2018

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Key Findings:

- Since 2006, Short-Term Suspension (≤ 10 days) rates have remained consistent for Black students, increased for Latinx students, and decreased for White students.
- Compared to White youth, Asian, Black, and Latinx youth were disproportionately represented at each juvenile justice decision point.
- Youth complaints have steadily declined since 2007. Minor or status offenses accounted for the greatest proportion (59.7% -78.3%).
- Significantly more complaints involve youth who identify as boys —particularly boys of color.
- The Charlotte-Mecklenburg Police Department (CMPD) diversion program was introduced in 2013 and the number of youth diverted peaked at 1,034. Since 2013, use of the Department of Adult Correction and Juvenile Justice diversion program has decreased while use of CMPD diversion continues to increase.
- Since 2007, detention admissions in Mecklenburg County have decreased by 109.4%, or 477 fewer youth. Though the use of detention has decreased, disproportionality persists with Black youth detained more frequently.
- Within the past year, Mecklenburg County YDC increased 40.5% (15 commitments) while state YDC commitments increased 4.8% (9 commitments).



Why age matters

Child advocates have long focused on the importance of a child's experiences between the ages of 0 and 5, recently extending that focus to age 8. Decades of research demonstrate that the early years are marked by rapid brain development in language, social, emotional, and cognitive skills.¹ Yet, in North Carolina, a child's trajectory can be irrevocably altered by a referral to the juvenile justice system starting at age 6; almost 20 years before the decision-making portion of the brain responsible for impulse control, delayed gratification, and susceptibility to peer influence are fully developed. This does not mean that youth cannot understand right from wrong nor does it mean that they should not be held responsible for poor decisions. It is, however, critical information to consider when deciding how best to manage the behavior of children and adolescents. Currently, 11 states set a minimum age of 10 for delinquency involvement and 30 states have no minimum age. Some states, including California and Massachusetts, are moving to raise the lower age to 12 at a time when, in North Carolina, 13-year-olds can find themselves in an adult criminal court.^{2,3} An arrest is associated with several negative outcomes including additional contact with law enforcement, involvement in the criminal justice system, disconnection from school, and barriers to employment.^{4,5,6} How we work with our youngest citizens lays the foundation for how our communities flourish in the future.

Purpose

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

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 compiled 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.

Understanding the Juvenile 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, 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.

Juvenile Justice Flow Chart

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

Four key elements are paramount to these efforts. First, parents are required to actively participate in all court hearings and comply with orders made by the judge. Second, unlike the adult system, any matter brought to juvenile court remains confidential and unavailable to the public. Third, in the juvenile system, many children have the opportunity to avoid court by participating in local diversion programs. Finally, 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 11 and a complete juvenile justice glossary is available [here](#).)

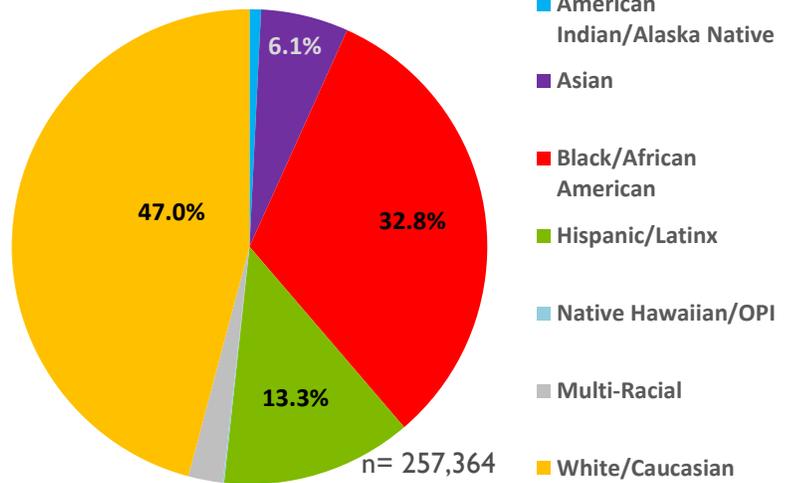
The data in this report reflect current North Carolina Law, which only includes children who are between the ages of six and 15 at the time of the alleged delinquent act in juvenile court, whereas youth ages 16 and 17 are automatically tried in adult court. With passage of Raise the Age legislation (see 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.

Policy Point: North Carolina's Raise the Age (RTA) legislation will eliminate the state's practice of automatically treating 16- and 17-year-olds as adults for criminal purposes. In addition to raising the age, the bill mandates the creation of a school-justice partnership to reduce school-based court referrals; allows victims to request that the district attorney (DA) review the decision not to file a petition; increases access to information for law enforcement, DAs, and public defenders; adds a gang assessment to intake procedures and increases severity of punishment when charges are related to gang activity; and creates a Juvenile Justice Advisory Committee (JJAC) to monitor implementation and make recommendations to the North Carolina General Assembly (NCGA). Our greatest opportunity for effective implementation is for the NCGA to accept the recommendations of experts appointed to the JJAC.

Demographics

County demographics are provided as the context for juvenile justice in Mecklenburg County (**Figure 1**). According to the U.S. Census Bureau, as of July 1, 2017, an estimated 10,273,419 individuals (22.4% <18) lived in the state and 1,076,837 (23.9% <18) lived in Mecklenburg County.

Figure 1: 2017 Mecklenburg Racial/Ethnic Demography under 18



School Discipline

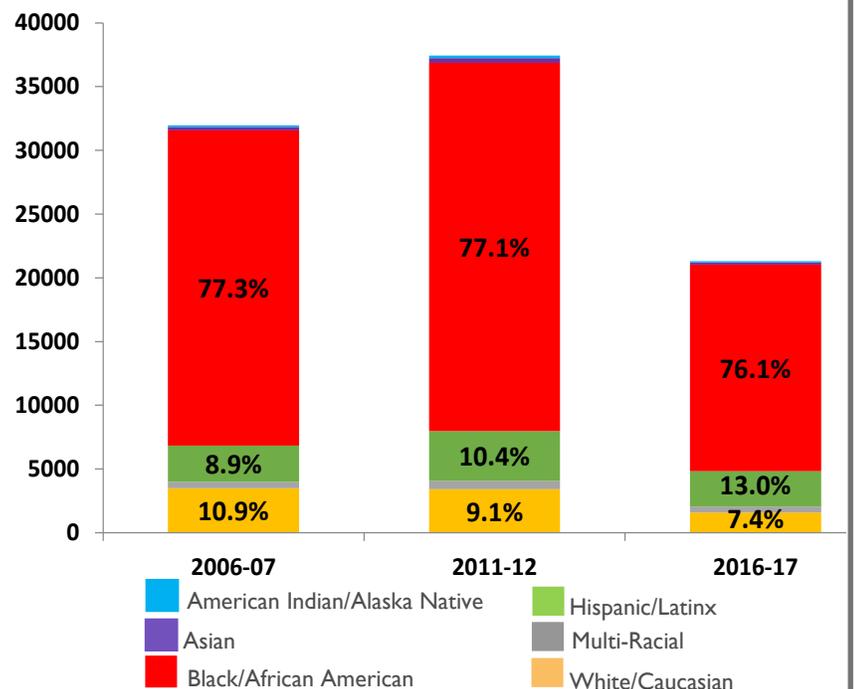
Recently, school discipline has received additional national and local attention as teachers, schools, and law enforcement work to manage student behavior and maintain a safe and productive learning environment for students, faculty, and staff.⁷

The NC Safe Schools Act (passed in 1993) requires Local Education Agencies (LEAs) to report 16 specified acts (defined on page 11) committed by students or staff on school campuses and other facilities used by schools or on a school supervised field trip by students or staff, to the State Board of Education.

In 2016-17, the top three mandatorily reported offenses for high school students were: drug possession, weapon (not gun/explosive), and alcohol possession.⁸ In Charlotte Mecklenburg Schools (CMS) for that same year, there were 13.69 reportable offenses per 1,000 students which is more than twice the state rate (6.48 per 1,000 students).

Across the US, NC, and Mecklenburg County, mandatorily reportable offenses comprise a very small percentage of all school-based offenses (typically about 3%) and tend to be racially/ethnically proportionate, whereas the remaining 97% are for discretionary offenses (e.g., aggressive/disruptive behavior, insubordination, fighting, and inappropriate language/disrespect). Particular groups of students are disproportionately disciplined for discretionary offenses compared to their counterparts. Since 2006, Short-Term Suspension (≤ 10 days) rates have remained consistent for Black students, increased for Latinx students, and decreased for White students. (**Figure 2**).

Figure 2: CMS Short-Term Suspensions (≤ 10 days) by Race/Ethnicity



School Discipline and School-to-Prison Pipeline

During the 2016-17 school year, CMS reports that 3.3% of students had one or more discretionary suspensions in grades K-5, 11.2% in grades 6-8, & 9.2% in grades 9-12. By school, CMS suspensions vary from <1% to more than 20% of the student body.⁹ In NC, the number of short-term suspensions issued rapidly increases beginning in 6th grade and peaks in 9th grade with significant reductions between 10th and 12th grade.

In 2015, the latest year US Department of Education's Office of Civil Rights Data are available, in CMS, there were 8,466 In-School suspensions, 11,813 Out-of-School suspensions, 49 expulsions, and 333 Referrals to Law Enforcement. Though not considered exclusionary discipline, disciplinary school reassignment removes children from their home school and assigns them to alternative learning placements (ALPs). In 2016/17, across NC, 12,224 students were assigned to ALPs (a 5% decrease in ALP assignments from last year).⁸

Black students were most represented across all exclusionary discipline practices. Nationally, students of color, poor students, students with disabilities, ESL students, and students identifying as LGBTQ+ are disproportionately impacted by the school-to-prison-pipeline, or the path linking the school and court systems.^{10,7} Youth with just one suspension or expulsion are at increased risk of juvenile or criminal justice contact⁷ (see school-to-prison pipeline supplement [here](#)).

Figure 3: Factors that Contribute to the School-to-Prison Pipeline



Policy Points: School-Justice Partnerships can improve data collection and dissemination, keep kids in school and out of court, build positive school climate, address racial/ethnic disparities, and include discussions on trauma and mental health regarding school discipline. Research also suggests that school-wide initiatives such as Positive Behavior Interventions and Supports (PBIS) and Restorative Justice can reduce suspension rates.¹¹ Moreover, support staff (e.g., social workers, nurses, counselors) can improve school climate and help teachers and schools meet the increasingly complex needs children bring with them each day.¹² Finally, policies that reduce or ban exclusionary discipline for our youngest students can decrease the associated negative impacts (e.g., anti-social behaviors, school avoidance, low academic achievement) and prevent children from losing valuable time in school (e.g., CMS requires that the Superintendent approves all suspensions of K-2 students).

Disproportionate Minority Contact

The Office of Juvenile Justice and Delinquency Prevention (OJJDP) defines Disproportionate Minority Contact (DMC) as the disproportionate representation of minorities in the juvenile justice system. The Juvenile Justice and Delinquency Prevention Act (JJDP) of 2002 mandates addressing DMC where states found out of compliance must forfeit federal funding.¹³

The JJDP was amended to broaden DMC from Disproportionate Minority Confinement to Disproportionate Minority Contact which had the effect of blaming the victim less and examining the system's decision points more.¹⁴ The broadening from 'Confinement' to 'Contact' shifted focus to all levels of the justice system, not just youth in jails, prisons, and detention facilities.¹⁵ Despite minor differences in offense commission, there are no data to support the notion that DMC is a result of differential behavior between White youth and youth of color.¹⁶

The DMC reduction cycle consists of five phases: 1) Identification, 2) Assessment, 3) Intervention, 4) Evaluation, and 5) Monitoring. One way that DMC is identified and assessed is by using a relative rate index to divide occurrences at decision points (e.g., referrals to juvenile court, detention, adjudication) by number of youth in the general population to provide a rate for comparison. OJJDP uses RRIs to assess DMC in jurisdictions, using White youth as the reference group. **Table I** shows RRIs in 2016-17 for Mecklenburg County. Specifically, Asian, Black, and Latinx youth were disproportionately represented at each juvenile justice decision point compared to White youth. Native American youth were also overrepresented at three of six decision points.

Table I: 2016-17 Mecklenburg County RRIs by Juvenile Justice Decision Points

Decision Point	Asian	Black	Latinx	Native American
Referred	0.54	7.78	2.19	1.59
Not Approved	1.31	0.50	0.85	1.20
Detention	2.43	3.63	1.69	0.00
Approved for Court	0.64	1.53	1.16	0.82
Adjudicated	0.68	1.02	1.38	0.00
Disposed	0.14	1.13	1.17	0.00

Policy Point: Nationally, evidence-based strategies to reduce DMC include: 1) Regular collection, analysis, and monitoring of key data; 2) Diverse stakeholders and leadership guided by a race analysis; 3) Objective criteria with local focus for each juvenile justice decision point; 4) Continuum of diversion and alternatives-to-detention programs; 5) Cross-system collaboration (e.g., Education, Child Welfare); 6) Family and community engagement; and 7) Identification of champions for DMC and system reform.¹⁶ Locally, we are still working to identify successful DMC reduction strategies through the work of organizations such as Race Matters for Juvenile Justice and the Council for Children's Rights (see disproportionate minority contact supplement [here](#)).

Juvenile Justice Complaints

In the past year, all complaints, with the exception of status offenses, have increased; however, these increases are marginal and do not reflect significant changes in juvenile justice complaints. Violent offenses remain relatively consistent accounting for a small proportion of total complaints. In 2017, there was a slight increase in violent felony complaints, which accounted for 5.2% --the first time in over a decade it has risen above 5.0%. In the past few years, serious offenses also remained relatively consistent. However, from 2007 to 2017, there was a 31.3% increase, or 389 more complaints. Misdemeanors also showed a slight increase from 2016 but, overall, are down 29.7%, or 620 complaints, from 2007. In 2012, misdemeanors peaked at 3,502, which largely accounted for the 49.9% increase in all complaints

Figure 4: Mecklenburg County Complaints by Offense Type

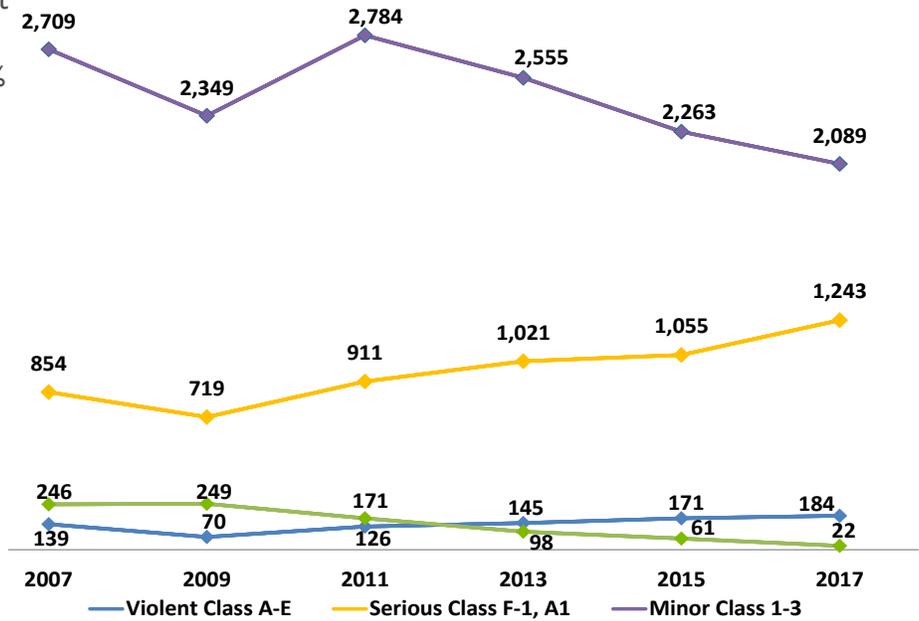
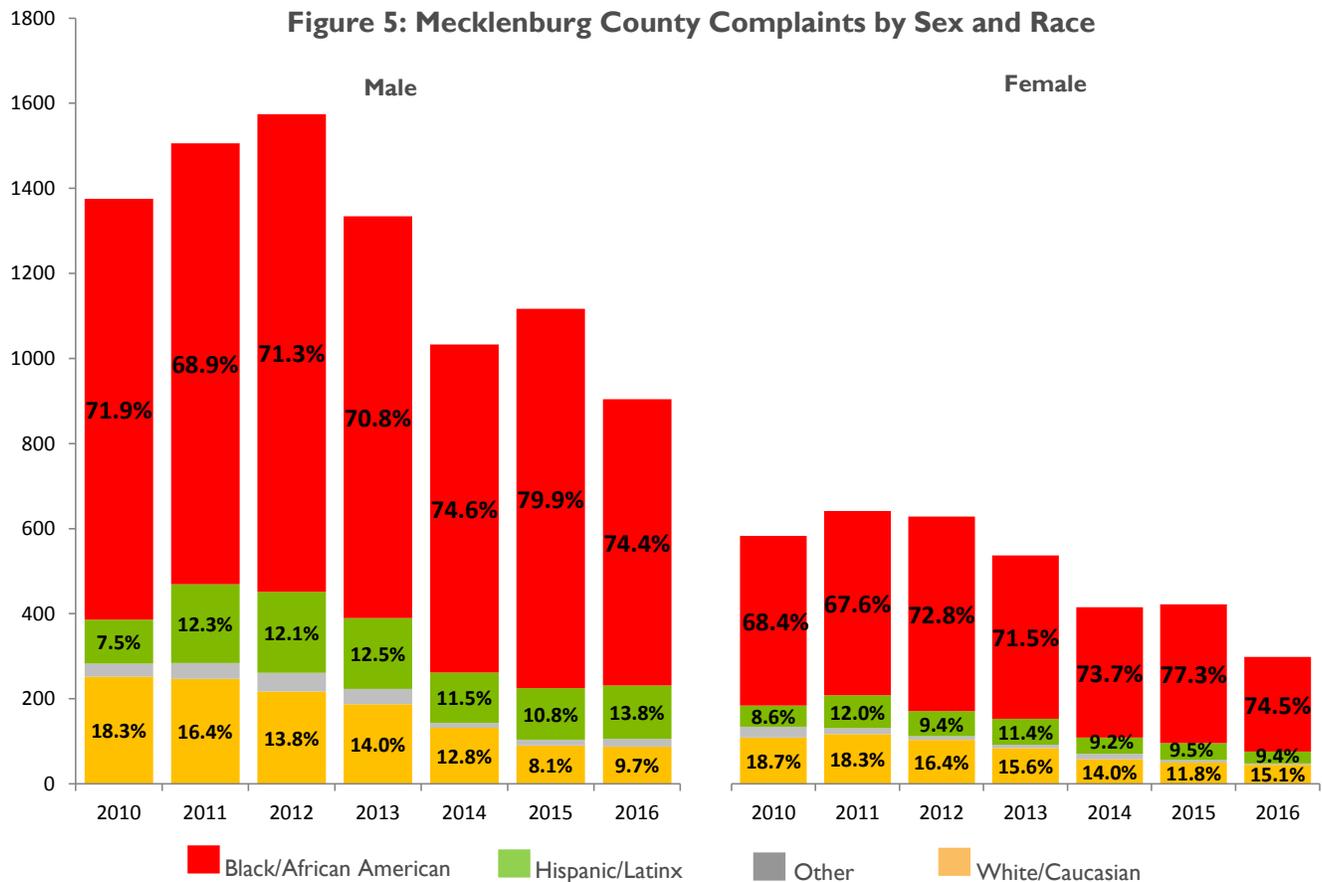


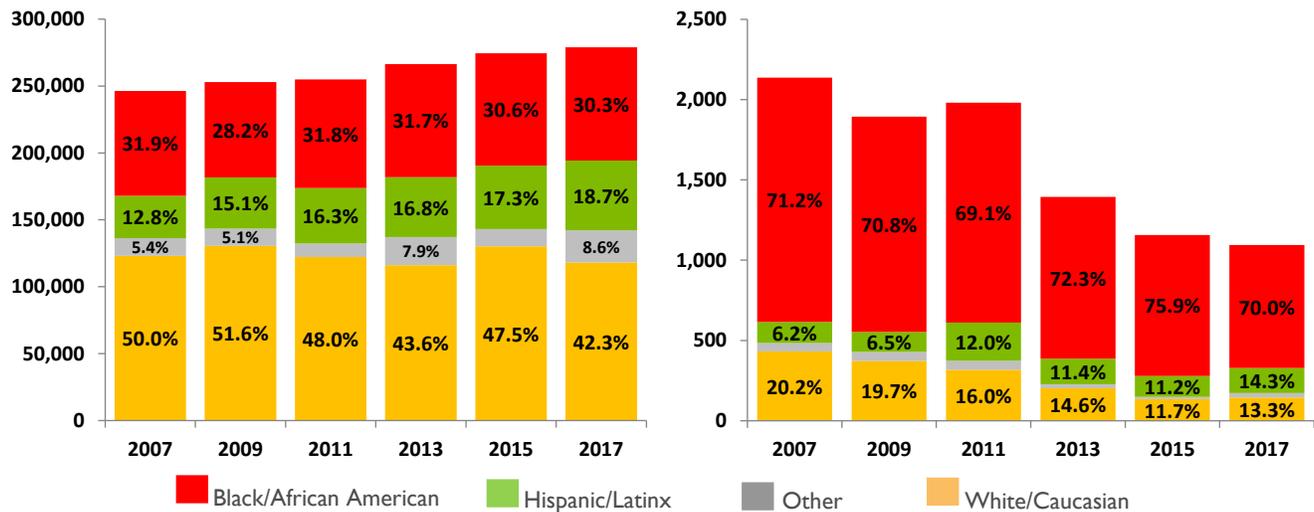
Figure 5: Mecklenburg County Complaints by Sex and Race



While overall complaints have decreased, the overrepresentation of Black youth remains and significantly more complaints involve youth who identify as boys. According to the most recently available data (Figure 5), male youth are 2.5x more likely to have a complaint than female youth.

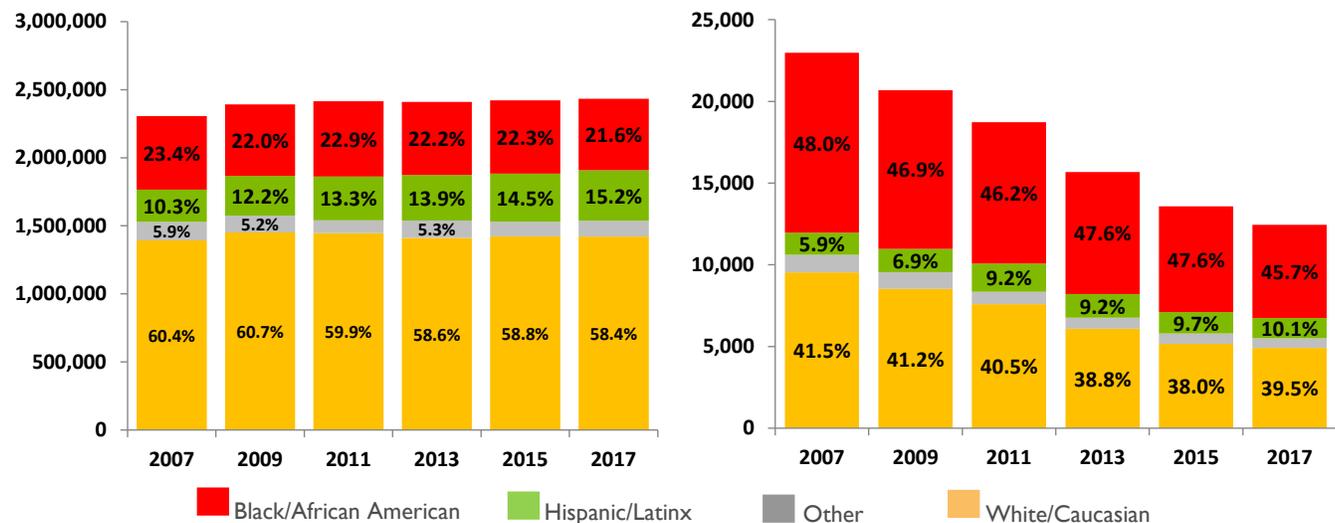
In Mecklenburg County, DMC at the complaint level peaked at 76% in 2015 despite Black youth accounting for 30% of the county's youth population. Figure 6 provides a side-by-side comparison of Mecklenburg County youth demographics (left) and the demographic makeup of complaints received (right). Regardless of biological sex, disproportionality remains consistent (Figure 5).

Figure 6: Mecklenburg County Population and Complaint Demographics



DMC holds true at the state level as well, but to a lesser degree than in Mecklenburg County. Figure 7 provides a side-by-side comparison of North Carolina youth demographics (left) and the demographic makeup of complaints received (right). Statewide, Black youth account for less than a quarter of the youth population and almost one half of the complaint population. White youth account for around 60% of the state population and 38-41% of the complaint population.

Figure 7: North Carolina Population and Complaint Demographics



Diversion

Historically, when a complaint is filed against a young person, they advance to intake with the Department of Adult Correction and Juvenile Justice (DACJJ) where the court counselor has an opportunity, based on the circumstances of the case, to close a the case completely, approve the complaint for court, or divert youth to community-based services. Pre-court diversion is available for children who commit low level offenses and accept responsibility, and is designed to help children avoid court involvement while maintaining public safety. Additional information about the North Carolina Diversion Program and its criteria may be found [here](#).

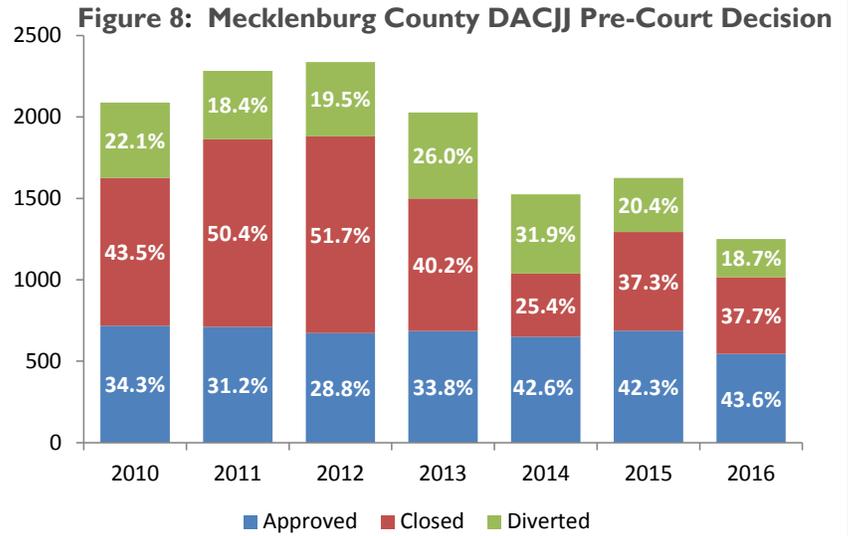
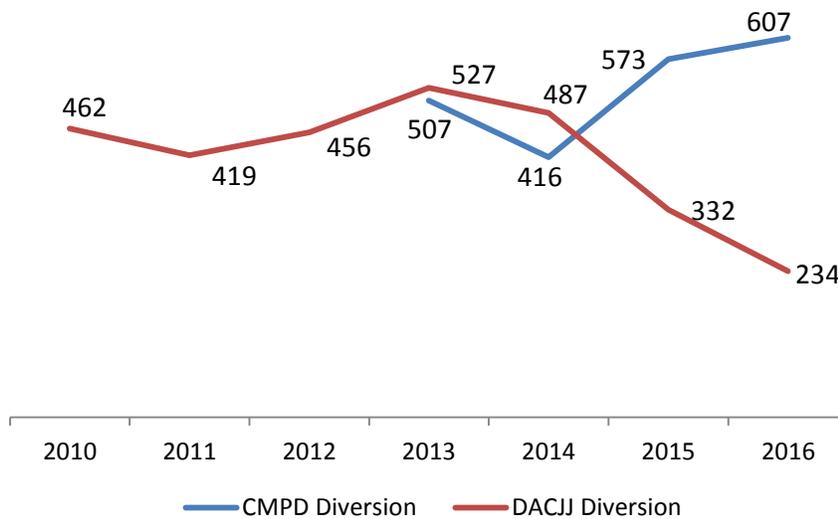


Figure 8 shows that, other than a spike in 2014, the proportion of cases diverted have remained relatively stable between 18.7-26.0%. Further, the proportion of cases closed at intake has decreased, with 2014 showing the lowest rate of cases closed since 2010. Finally, the proportion of cases approved for court has increased in the past decade but has remained steady over the past three years. Consistent with complaint data and national trends, Black youth, particularly boys, are overrepresented at each intake decision point.

Figure 9: Mecklenburg County Pre-Court Diver-



In 2013, the Charlotte-Mecklenburg Police Department (CMPD) launched an additional diversion program for youth ages six to 17 with the goals of empowering families and reducing disproportionate minority contact.

Figure 9 shows the number of referrals to CMPD diversion and DACJJ diversion. The programs

served a combined total of 1,034 youth in 2013 and 841 youth in 2016. From 2013 to 2016, DACJJ diversion referrals decreased by 125.2% and CMPD referrals increased by 16.5%. Taken together, these data show that, despite additional diversionary opportunities, the number of youth being diverted has varied since 2013 and, currently, fewer overall youth are diverted. Further, because almost 1 of every 6 youth served by the CMPD diversion program are 16- and 17-year-olds, even fewer youth 15 and younger are served.

Policy Point: RTA will increase the number of youth involved in the juvenile court system by including 16- and 17-year-olds. To minimize overload to the system, many communities are exploring additional diversionary options. Because Charlotte-Mecklenburg has two distinct diversion programs, it currently offers more opportunities than other counties in North Carolina. An assessment of the two pre-court diversion programs to identify potential overlap could increase access to diversion and opportunities for growth.

Detention

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](#).

Since 2007, detention admissions in Mecklenburg County have decreased by 109.4% (Figure 10), which translates to 477 fewer youth detained. In 2015, there was an increase of detention admissions followed by a decrease of 27.1% from 2015 to 2017. North Carolina has followed a similar downward trend in detention admissions between 2007 and 2017. The detention admission trend is consistent with the number of complaints decreasing. Further, compared to complaints, detention admissions have decreased at a much higher rate.

Figure 10: Mecklenburg County Detention Admissions

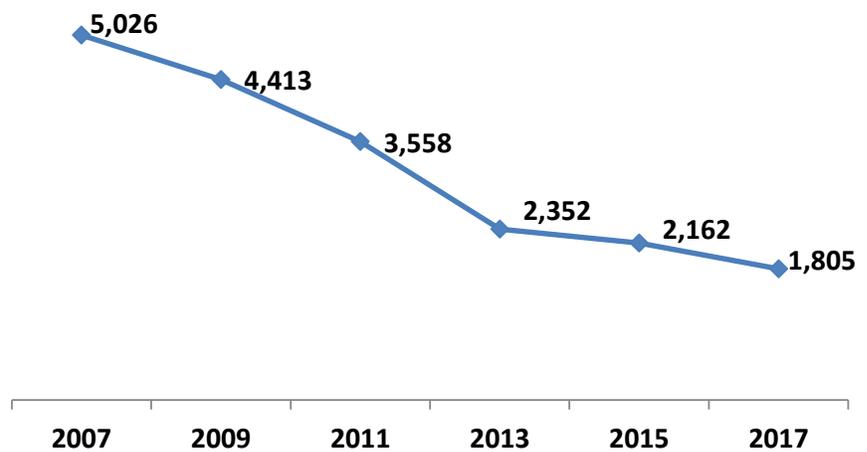
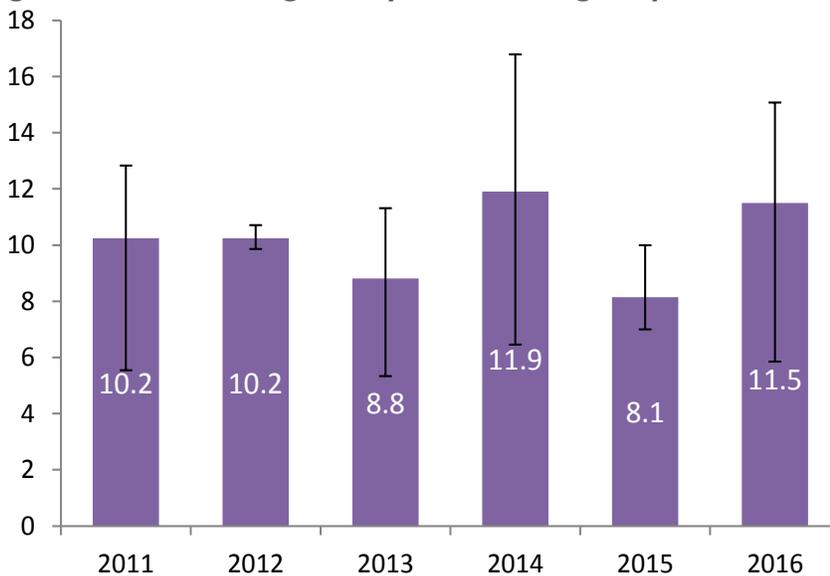


Figure 11: Mecklenburg County Youth Average Days in Detention



Although the use of detention has decreased, disproportionality persists with Black youth detained more frequently. Specifically, between 2010 and 2016, Black youth were at least 5x more likely to be detained compared to children of other races/ethnicities.

Figure 11 shows the average number of days and range for children who were detained. Since 2011, children were detained for 8.1 to 11.9 days on average with great variability between years. Despite annual inconsistencies in detention stay patterns, Black and Hispanic/Latinx youth typically account for the highest averages.

Policy Point: Youth held in detention facilities lack access to the same types services that youth development centers offer (e.g., mental health, substance abuse, education, re-entry), largely because they are meant to be short-term placements and are not staffed to provide long term care. Detention disconnects youth from their family, school, and community, which can contribute to adverse outcomes (e.g., strained relationships, lower educational attainment, barriers to employment).⁵

Detention continued

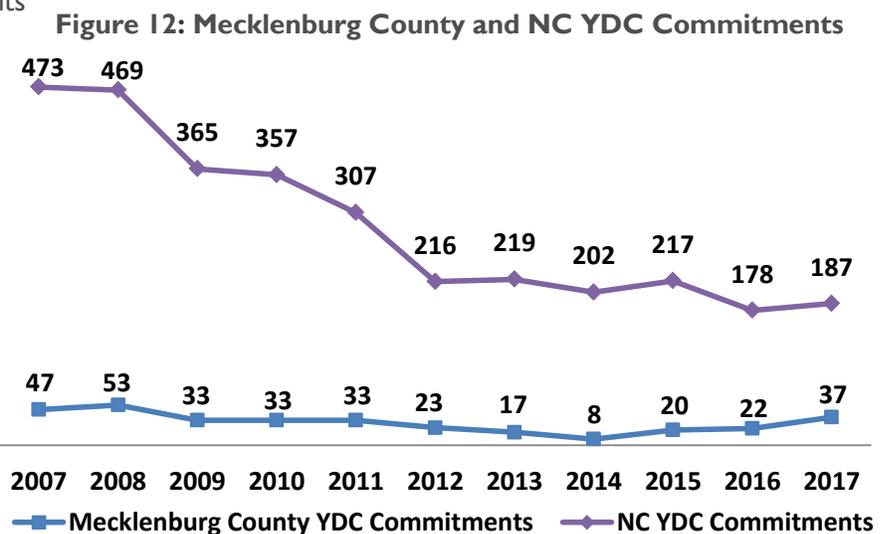
Despite their purpose, some children are being detained for longer periods; a trend that is expected to increase with raise the age when children await decision on transfer to adult court. Moreover, with the special transfer process for A-G felonies in raise the age, prosecutors have the option to indict (i.e., formally charge in front of a grand jury) within 15 days or to hold a probable cause hearing. By including additional youth in the juvenile justice system and allowing only 15 days for critical charging decisions, prosecutors may have no choice but to indict. Members of the Juvenile Justice Advisory Committee (JJAC) recommend that the timeframe to indict be increased to 60 or 90 days. Increasing the timeframe to indict will keep youth from encountering the adult court system; however, it will also increase their average time in detention. With public advocacy, policymakers can mitigate these issues by establishing a transfer back provision that allows cases to return to the juvenile system when appropriate and expanding evidence-based community services as an alternative to detention.

Youth Development Center Commitments

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](#).

In 2017, there were 37 YDC commitments in Mecklenburg County and 187 in North Carolina (**Figure 12**). Since 2007, YDC commitments in Mecklenburg County decreased 21.3%, or 10 fewer commitments. State YDC commitments have declined at a much higher rate with a 152.9% decrease, or 286 fewer commitments, between 2007 and 2017. Mecklenburg YDC commitments plateaued at 33 between 2009 and 2011. After a gradual decline from 53 commitments in 2008 to 8 commitments (the lowest in the past 10 years) in 2014, YDC commitments in the county have since increased 78.4%, or 29 commitments. Within the past year, Mecklenburg County YDC increased 40.5% (15 commitments) while state YDC commitments increased 4.8% (9 commitments).

Future reports will endeavor to capture county-level YDC data disaggregated by race.



Policy Point: Increasing the use of community-based services can reduce the number of YDC commitments in Mecklenburg County and across the state—especially for misdemeanors and non-violent felonies. North Carolina also has an opportunity to expand re-entry services (e.g., skill development, mental health, substance abuse) to connect youth exiting YDC back into their families, schools, and communities.

Data Notes

*For ease of understanding, figures do not include data labels less than 5%

Figure 1: US Census Bureau QuickFacts (2017). Mecklenburg County, North Carolina; North Carolina. Retrieved from <https://www.census.gov/quickfacts/fact/table/mecklenburgcountynorthcarolina,nc/PST045217>

Figure 2: North Carolina Department of Public Instruction. (2018). Report to the North Carolina General Assembly: Consolidated Data Report, 2016-17. Retrieved From <http://www.ncpublicschools.org/docs/research/discipline/reports/consolidated/2016-17/consolidated-report.pdf>

Figure 3: McCarter, S. A. (Fall/Winter 2015). What social workers should know about the School-to-Prison Pipeline: A True Story. In School Social Work Specialty Practice Section – Washington, DC: NASW Press.

Figure 4: NCDPS County Databooks (<https://www.ncdps.gov/juvenile-justice/community-programs/juvenile-crime-prevention-councils/jcpc-planning-process/county-databooks>)

Figure 5: North Carolina Department of Public Safety **data request #**

Figures 6, 7, 8: North Carolina Department of Public Safety **data request # SR1609-04-RE-13**

Figure 9: Charlotte-Mecklenburg Police Department Youth Diversion Unit Personal Communication April 11, 2018 (more information about CMPD Youth Diversion [here](#))

Figure 10: NCDPS County Databooks (<https://www.ncdps.gov/juvenile-justice/community-programs/juvenile-crime-prevention-councils/jcpc-planning-process/county-databooks>)

Figure 11: North Carolina Department of Public Safety **data request #SR1702-08**

Figure 12: North Carolina Department of Public Safety County Databooks (<https://www.ncdps.gov/juvenile-justice/community-programs/juvenile-crime-prevention-councils/jcpc-planning-process/county-databooks>)

Table 1: North Carolina Department of Public Safety. NC-JOIN Database – ACJJ. RRI_FY 16-17

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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.

How you can become involved:

- 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](#).
- Encourage the North Carolina General Assembly to seriously consider and accept the recommendations of experts on the Juvenile Justice Advisory Committee. You can do so by [knowing your representatives](#) and holding them accountable.
 - JJAC's recent recommendations include: increasing hearing timeframes, creating a transfer back provision to allow children to return to juvenile court when appropriate, and redefining motor vehicle offenses so youth who receive traffic citations (e.g., speeding ticket) are not exposed to the adult criminal court system unnecessarily.
- Meet with and encourage administrators at your child's school to consider [restorative justice and supportive discipline practices](#) instead of exclusionary discipline when appropriate.
- 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.
- If you work in juvenile justice, utilize the [Office of Juvenile Justice and Delinquency Prevention's Disproportionate Minority Contact Reduction Cycle](#) to evaluate internal practices.
- Advocate for North Carolina to follow the examples of other states and raise the lower age of juvenile justice jurisdiction.

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