

THE NUMBER OF CHILDREN FROM
CHARLOTTE AND MECKLENBURG COUNTY,
NORTH CAROLINA,
WHO BECAME INVOLVED IN THE JUVENILE JUSTICE SYSTEM
DURING THE PERIOD
JULY 1, 1973 THROUGH JUNE 30, 1975

A REPORT FROM THE
MECKLENBURG YOUTH SERVICES ACTION BOARD —

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ACQUISITIONS

Mrs. Elisabeth G. Hair, Chairman
Mecklenburg County Board of Commissioners
Mecklenburg County Office Building - Fourth Floor
720 East Fourth Street
Charlotte, North Carolina 28202

Dear Mrs. Hair:

As directed by a resolution approved by the Mecklenburg County Board of Commissioners in March, 1975, the Youth Services Action Board submits herewith a report on the number of children from Charlotte and Mecklenburg County who have become involved in the juvenile court and correctional institutions during the period July 1, 1973, through June 30, 1975.

The YSAB requested Dr. Reed Adams and Mr. Robert Johnson of the Criminal Justice Program, UNCC, and Dr. Ray Michalowski, Department of Sociology, UNCC, to comment on the significance of these figures. A summary of their remarks reveals the following:

1. Since 1967, in response to recommendations made by prestigious groups who studied juvenile justice systems and juvenile delinquency, the national trend has been to find other alternatives to court for juvenile offenders, the implication being that alternative programs can do no worse than the official system, and even if they do no better, they may operate in a more humane fashion, particularly with undisciplined children.

2. The effects on the community and problem youth of diversionary outlets may in all probability:

- a. reduce the stigma of "delinquent" which is attached to many children, a label which contributes to recidivism.
- b. provide many more treatment and human services to the youngster than the Court can.
- c. change community attitudes toward problem youngsters, making the community more aware of its responsibility in the matter.

3. In Mecklenburg County, diversionary options have been increasingly utilized and the number of children involved with the courts has significantly decreased. The Youth Services Bureau, the Street Academy, The Relatives, and the Emergency Youth Care Center have served as alternatives to the juvenile court and correctional institutions.

4. Insufficient information has been gathered to evaluate the effectiveness of these diversionary programs in terms of their impact on children and the means by which some candidates are made eligible for these programs.

The provocative remarks of these professors at UNCC are included with this report. We hope you will have time and be interested enough to read their complete comments. In the next year, when some of the concepts of The Plan are developed and implemented, we may be better able to determine the effectiveness and worth of these diversionary programs.

Sincerely,

Pat DeLaney

Mrs. Pat DeLaney, Chairman
Mecklenburg Youth Services Action Board

THE NUMBER OF CHILDREN FROM
 CHARLOTTE AND MECKLENBURG COUNTY
 WHO BECAME INVOLVED IN THE JUVENILE JUSTICE SYSTEM
 DURING THE PERIOD
 JULY 1, 1973 THROUGH JUNE 30, 1974
 AS COMPARED WITH THE PERIOD
 JULY 1, 1974 THROUGH JUNE 30, 1975

The following measures were utilized by the YSAB to ascertain the number of children from Charlotte and Mecklenburg County who became involved in the juvenile justice system during a 24 month period:

1. Number of juvenile petitions filed against children for committing undisciplined acts or status offenses.
2. Number of felony and misdemeanor offenses alleged in juvenile petitions filed against children.
3. Number of children detained in the Mecklenburg County Juvenile Diagnostic Center.
4. Average daily population of the Mecklenburg County Juvenile Diagnostic Center.
5. Number of children from Mecklenburg County incarcerated in juvenile correctional institutions.
6. Average caseloads of juvenile court counselors.

Number of Juvenile Petitions
 Filed Against Children
 For Committing Undisciplined Acts¹

	July 1, 1973 June 30, 1974	July 1, 1974 June 30, 1975	Percentage Increase or Decrease
Truancy	55	24	56% Decrease
Other ²	501	238	52% Decrease
Juvenile Petitions Filed for Undisci- plined Acts ³	556	262	53% Decrease

- 1 Source of Data: Mrs. Judy Adams, Deputy Clerk of Superior Court, Mecklenburg County, North Carolina.
- 2 Undisciplined Acts under this classification included being ungovernable at home, or running away from home.
- 3 The number of juvenile petitions filed against children for committing undisciplined acts generally reflects the actual number of children who were alleged to have committed these non-criminal acts.

Number of Misdemeanor and Felony Offenses
Alleged in Juvenile Petitions
Filed Against Children⁴

	July 1, 1973 June 30, 1974	July 1, 1974 June 30, 1975	Percentage Increase or Decrease
Misdemeanor Offenses ⁵	1,116	971	13% Decrease
Felony Offenses ⁶	1,017	1,091	7% Increase ⁷
Total Delinquent Offenses Alleged in Juvenile Petitions ⁸	2,133	2,062	3% Decrease

- ⁴ Source of Data: Mrs. Judy Adams, Deputy Clerk of Superior Court, Mecklenburg County, North Carolina.
- ⁵ Misdemeanor offense is defined in Black's Law Dictionary (1951) as "offenses lower than felonies and generally those punishable by a fine or imprisonment, otherwise than in a penitentiary" (i.e., larceny of an item which has a fair market value of less than \$200.00).
- ⁶ Felony offense is defined in Black's Law Dictionary (1951) as "a crime of a graver or more atrocious nature than those designated as misdemeanors" (i.e., larceny of an item which has a fair market value of greater than \$200.00). The number of felony offenses alleged in juvenile petitions filed during the period July 1, 1974, through June 30, 1975, does not include four (4) "capital offenses" which were alleged to have been committed by juveniles during this period.
- ⁷ During the six (6) month period July 1, 1974, through December 31, 1974, 603 felony offenses were alleged in juvenile petitions filed against children. During the six (6) month period January 1, 1975, through June 30, 1975, 488 or 19% fewer felony offenses were alleged in juvenile petitions filed.
- ⁸ The number of delinquent offenses alleged in juvenile petitions filed in Mecklenburg County does not indicate the actual number of children who allegedly committed delinquent acts because a single juvenile petition may have stated that one (1) child was charged with committing 10 delinquent acts.

Number of Children Detained
In The Mecklenburg County
Juvenile Diagnostic Center⁹

	July 1, 1973 June 30, 1974	July 1, 1974 June 30, 1975	Percentage Increase or Decrease
Males	445	352	21% Decrease
Females	241	171	29% Decrease
Total Number of Children	686	523	24% Decrease

Average Daily Population
Of The Mecklenburg County
Juvenile Diagnostic Center¹⁰

July 1, 1973 June 30, 1974	July 1, 1974 June 30, 1975	Percentage Increase or Decrease
18.8	16.0	15% Decrease

Number of Children From Mecklenburg County
Incarcerated in North Carolina
Juvenile Correctional Institutions¹¹

	July 1, 1973 June 30, 1974	July 1, 1974 June 30, 1975	Percentage Increase or Decrease
Males	77	53	31% Decrease
Females	36	24	33% Decrease
Total Number Children Incarcerated	113	77	32% Decrease

⁹ Source of Information: Mr. John Shope, Director, Mecklenburg County Juvenile Diagnostic Center.

¹⁰ Ibid.

¹¹ Ibid.

Average Monthly Caseload For Each Of 16
Juvenile Court Counselors in Mecklenburg County¹²

July 1, 1973 June 30, 1974	July 1, 1974 June 30, 1975	Percentage Increase or Decrease
49	42	14% Decrease

In order to obtain information about the significance of the foregoing data as they relate to the juvenile justice system in Charlotte and Mecklenburg County, the YSAB consulted with Dr. Reed Adams, Director, Criminal Justice Program, University of North Carolina at Charlotte, Mr. Robert Johnson, Assistant Professor, Criminal Justice Program, University of North Carolina at Charlotte, and Dr. Ray Michalowski, Assistant Professor, Department of Sociology, University of North Carolina at Charlotte. Their written statements are as follows:

A Joint Statement by Dr. Reed Adams and Mr. Robert Johnson

The Shape of the Data

The report contains six tables, all presenting measures of juvenile justice system activity for two 1-year periods. Each of the measures, with the exception of "felony" offenses alleged in juvenile petitions, show a marked decrease ("Felony" offenses show a minor (7%) increase). These figures seem to indicate that major diversionary activity has occurred within the local juvenile justice system, primarily concerning children committing "undisciplined acts" (status offenders). Several major questions are raised (and left unanswered) by the data. Among these are:

- A. What "caused" the shift?
- B. What has been the impact on the delinquents involved?
- C. What has been the impact on the juvenile justice system?

¹² Source of Information: Mr. Eugene Deal, Chief Court Counselor, 26th Judicial District Court Counselor Services.

- D. Who was "diverted"?
- E. What "treatments" are involved in "diversion"?
- F. What are the policy implications for the juvenile justice system?

Putting these issues aside, we assume that the coordinating role played by the Mecklenburg Youth Services Bureau accounts for much of the changes reported in the data. Other plausible "causes", however, remained unexplored in the data. Such factors as shifts in the size of the juvenile population or changes in the racial or social class composition of this group could produce comparable trends. Similarly, changes in the operation of the formal juvenile justice system (or in the roles played by schools and other government systems) may have influenced figures on system utilization. As no data is presented that will allow us to exclude alternative explanations, we will make the simplifying assumption that the Youth Services Bureau is the "causative" factor, and focus on the ramifications of this possibility.

Implications

Since about the time of the Gault decision, there has been a national trend toward diversion of juveniles away from the formal social control system. This trend has been promoted by the recommendations of several prestigious groups. The President's Commission on Law Enforcement and the Administration of Justice in 1967, for example, strongly endorsed the use of diversionary programs with juvenile offenders:

The formal sanctioning system and pronouncement of delinquency should be used only as a last resort.

In place of the formal system, dispositional alternatives to adjudication must be developed for dealing with juveniles, including agencies to provide and coordinate services and procedures to achieve necessary control without unnecessary stigma. Alternatives already available, such as those related to court intake, should be more fully exploited.

The range of conduct for which court intervention is authorized should be narrowed, with greater

emphasis upon consensual and informal means of meeting the problems of difficult children.¹³

Several years later, in 1973, the National Commission on Criminal Justice Standards and Goals accorded diversion a national priority status:

The highest attention must be given to preventing juvenile delinquency, to minimizing the involvement of young offenders in the juvenile and criminal justice system, and to reintegrating delinquents and young offenders into the community.¹⁴

The implication of such recommendations is that contact with the official juvenile justice system is unproductive, and sometimes harmful. Alternative programs are given preference because it is assumed they can do no worse than the official system, and even if they do no better, they may operate in a more humane fashion. Particularly with "undisciplined" juveniles - persons who engage in conduct which is not criminal - the formal system is seen as needlessly rigid, harsh and destructive.

The data provided by the Youth Services Action Board suggests that diversion options have been increasingly utilized in Mecklenburg County. This means that a considerably larger number of juveniles than in the past have been informally funneled out of the juvenile justice system into what is assumed to be less restrictive (and less stigmatizing) components of the juvenile justice system or to various social welfare agencies. On the assumption that "status" and other non-serious offenders are the primary recipients of this differential treatment, the Youth Services Bureau has overseen (if not fostered) a successful effort to comply with the directives of several notable administrative bodies to use the juvenile system as a means of last resort.

The policy implications of these findings, however, are difficult to assess. Recommendations regarding increased use of diversion programs reflect value preferences, rather than conclusions

13 President's Commission on Law Enforcement and Administration of Justice, Task Force Report: Juvenile Delinquency and Youth Crime, Washington, D.C.: U.S. Government Printing Office, 1967, page 2.

14 National Advisory Commission on Criminal Justice Standards and Goals, A National Strategy to Reduce Crime, Washington, D.C.: U.S. Government Printing Office, 1973, page 23.

based on sound empirical research. In fact, "the literature on juvenile justice is virtually devoid of studies of the variety, functioning, and effects of diversion policies and practices."¹⁵ Information is needed for Charlotte (and elsewhere) on the operation of diversion systems and on strategies for systematic deployment of these resources. It is very important that an evaluation research component be added to the data collecting functions of the Youth Services Action Board. The aim of such evaluative research should be to demonstrate that diversion options are used with appropriate client groups, and that procedures for selection of candidates are equitable. Also, such research should provide sorely needed data on the impact of diversion on the probability of future delinquency among subjects. Data on such topics would provide a means to monitor the use of diversion options and to maximize the effectiveness of such programs.

Recommendations

We have seen no empirical indication that present strategies for diverting youths from the formal juvenile justice system are more harmful, or less effective than the formal system. Yet, various criminological theories indicate that diversion may ameliorate the problems of less serious offenders, who would otherwise be exposed to criminogenic settings and peers. Such speculation, and the recommendations of major crime commissions to utilize informal dispositions, suggests that such programs should be continued in the Charlotte area. However, this recommendation should not be taken as license to operate in the absence of data, or in defiance of negative findings. Continued use of diversion programs must be keyed to rigorous empirical evaluation of the nature of such operations, and their effect.

A Statement by Dr. Ray Michalowski

The significance of the foregoing data is related primarily to the short and long term effects of "resystematizing" juvenile justice. Less than 10 years ago the juvenile justice system consisted primarily of the juvenile or family court, the juvenile probation officer, (serving both intake and supervision functions for the juvenile court) and the training school. In recent years, however, the apparent rise in juvenile delinquency coupled with,

15 Cressey, D..R. and McDermott, R. A. Diversion From the Juvenile Justice System, National Institute of Law Enforcement and Criminal Justice, Washington, D.C.: U.S. Government Printing Office, 1974, page 5.

and in part created by, the increased reliance upon the formal system of juvenile justice by both the schools and the family to handle matters such as misbehavior which were settled informally in decades past has precipitated an extensive rethinking of juvenile justice.

A significant outcome of this rethinking has been a growing emphasis upon the development of community-based alternatives to funneling juveniles directly into the formal justice system whenever they become distinguishable from the population of "normal" juveniles through their misdeeds. In essence, we are realigning or "resystematizing" juvenile justice to include alternatives and components which were heretofore nonexistent. While some would argue that alternatives to formal processing by the juvenile court are not part of the juvenile justice system, it is my contention that as long as such programs exist to handle juveniles who could potentially be handled by the juvenile court system, they too are part of our juvenile justice system.

The foregoing data, in many ways, are a reflection of such a resystematizing of juvenile justice. It is important, however, to recognize that these statistical reductions in the number of juveniles handled by the formal system, at least in the short run, do not necessarily signify a reduction in the amount of "delinquent" or undesirable juvenile behavior. For example, the 56% decrease in petitions filed alleging truancy cannot be taken as an indicator that there are 56% fewer children who are habitually absent from school. Rather, it more accurately reflects the fact that a significant proportion of those habitually absent from school are being handled differently, that is, diverted from the formal system. In Charlotte-Mecklenburg the development of alternatives such as the Youth Services Bureau, the Street Academy, the Relatives and the Emergency Youth Care center will inevitably result in fewer juveniles appearing in the official statistics of the juvenile justice system. The affect of these agencies is further extended by an increased opportunity and willingness among both the police and juvenile court intake personnel to direct a number of juveniles to non-court agencies. While the amount of undesirable juvenile behavior may not have decreased at all, or perhaps even increased, the provision of alternatives to the formal system of juvenile justice reduces the number who will actually have petitions filed against them. The other reductions shown in the above statistics follow naturally from the reduced number of petitions. If fewer youths enter the formal justice system, naturally its other components such as detention centers, training schools and probation caseloads will show concomitant reductions in the number of juveniles they service.

The important issue, however, is not whether juveniles are diverted from the formal system of juvenile justice, but what are the long term effects of such diversion.

One obvious effect of this diversion is that a presently overburdened juvenile justice system would find some relief, relief which perhaps might allow more time to be devoted to the effective and beneficial treatment of the remaining juveniles it does serve. However, if this is the only benefit, a similar gain could be achieved simply by extending the present juvenile justice system, rather than creating new parallel agencies. Such expansion would also, in most likelihood, be more cost effective since it would not necessitate the creation of new administrative structures.

A more far reaching and significant impact of redirecting problem youths away from the formal justice system centers around the effects of such redirection upon the juvenile and the community at large. These effects are broadly identifiable as (1) reduction of stigma, (2) increases in resource options, (3) reductions in recidivism and (4) changes in community attitudes towards delinquency.

1. Reduction in stigma. Presently, the problem juvenile handled by a community agency, other than the juvenile court, is less likely to experience the long-range negative effects of being labeled a delinquent. The label of "delinquent" has come to be nearly synonymous with that of "criminal" and in both cases the individuals so labeled experience a significant reduction in life opportunities and a concomitant increase in isolation from the community. Both of these factors contribute significantly to a high recidivism among delinquents and criminals. Handling by a community agency outside the justice system produces a less damaging public record, and if the agency providing the service is either medical or psychiatric in nature, the record of service may be permanently unavailable for public knowledge.

One caution, however, must be heeded unless we are to repeat the mistakes of the past. The initial purpose of the juvenile justice system was purported to be "helping" the wayward juvenile avoid future wrongdoing while protecting him from the negative effects of being processed through the criminal system. In time, however, the juvenile justice system, became, in the eyes of the community, nearly identical to the criminal system, with the result that "delinquents", even if the offenses were not "criminal" in the common-law sense, were viewed as near criminals. If a similar transformation of the currently developing alternatives to the formal system are to be avoided, certain precautions must be taken.

Any program, whether it is a juvenile court or a Youth Services Bureau which handles only serious problem juveniles, will eventually come to be seen as a place for "delinquents", and correspondingly, all juveniles involved with such agencies will also acquire that label. Thus, care must be taken that these alternative agencies provide services to a broad range of juveniles in addition to those who might potentially be handled by the court system, unless in 30 years we find we have simply recreated a new source for stigmatizing juveniles.

2. Increases in resource options. One very significant advantage of the present reduction in the number of juveniles handled by the formal system of justice, is that those now handled by community agencies can benefit from a broader range of potential helping services. The juvenile court, unless it refers juveniles out of the justice system, is limited in the services it can provide to adjudicated juveniles. Community-based alternatives, on the other hand, can draw upon the entire range of human services provided within the community itself. Perhaps, even more importantly, community based treatment programs can combine a multiplicity of human services to create treatment strategies tailored to the specific individual needs of clients.

3. Reductions in recidivism. While the data presented in this report do not reflect, as yet, a definite reduction in the actual amount of juvenile delinquent behavior, they do provide the basis for long term reductions. If reduction of stigma and the provision of a broader range of services as outlined in 1 and 2 above increase the juveniles chances of avoiding future misbehavior, then the decrease in the number of juveniles handled by the formal system of juvenile justice should in the long run signify an actual decrease in the number of juveniles handled by any system. Since a large proportion of juveniles handled by the court are repeat offenders, any reduction in the actual rate of recidivism should reduce the number of juveniles needing services.

It is important to note that the existence of alternatives to the formal system of juvenile justice, should they be more effective and less stigmatizing in the treatment of juveniles, pose a significant question of fundamental fairness. How is it determined that some juveniles should receive treatment in community-based agencies and others through the formal system of juvenile justice? If such determinations are not based upon substantial and legally codified distinctions, the possibility exists for broadly different treatment and outcomes for juveniles engaging in very similar behaviors. If some status offenders, for example, are referred to community agencies and some to the juvenile court there should be

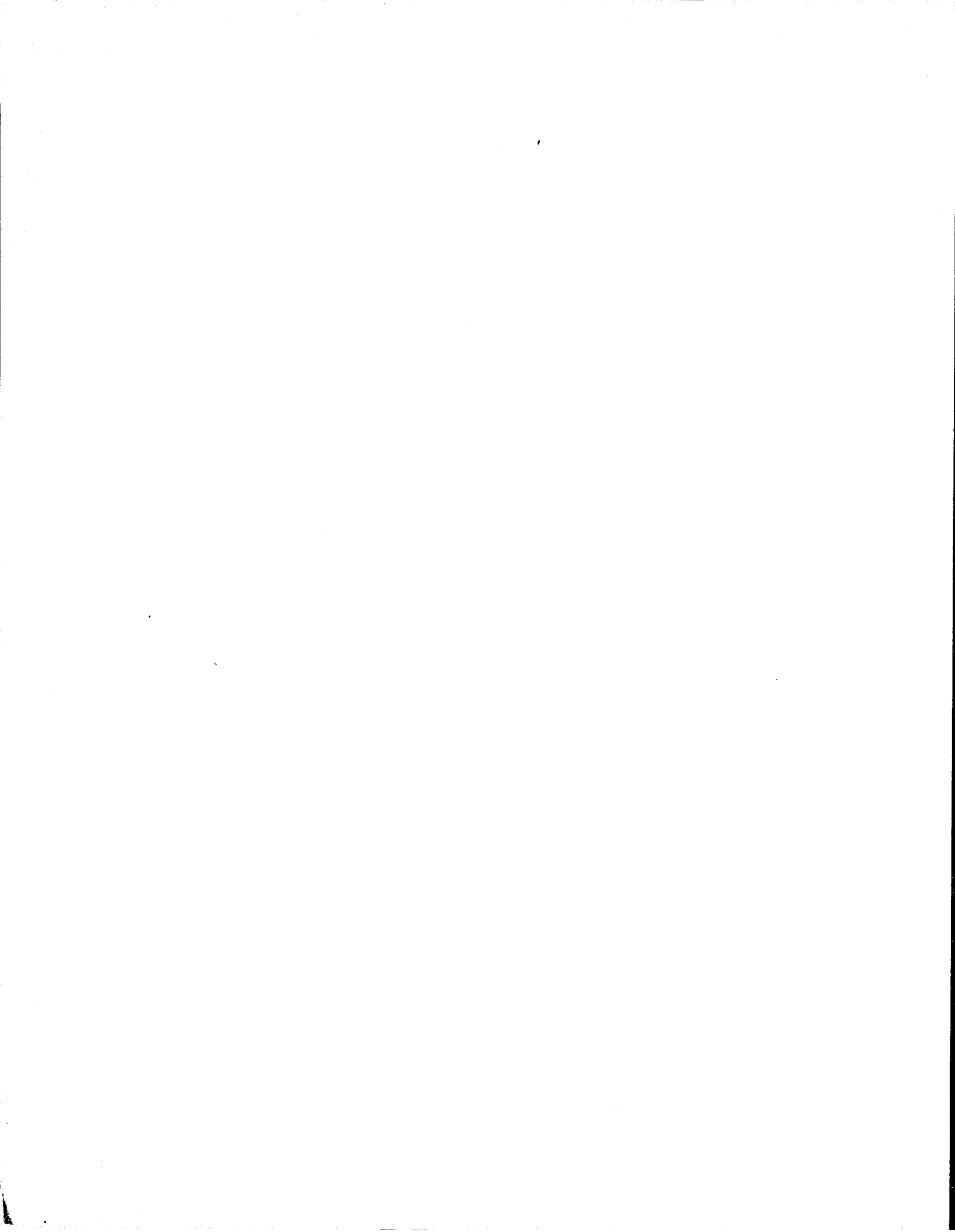
clear evidence that either (1) the treatment received in both places is nearly identical with reference to potential outcomes, or (2) those referred to court would benefit more from court-based rather than alternative treatment (or vice versa). If neither of these criteria can be met, the existence of parallel treatment systems may be open to criticisms of violating our constitutional doctrine of fundamental fairness under the law.

A significant problem in determining if any long range benefit does occur is created by the existence of the very agencies which may be responsible for the reduction in juvenile behavior. As detailed above, the number of juveniles involved in the formal juvenile justice system cannot be considered an accurate measure of juvenile delinquency. To ascertain the actual amount of such known behavior, it would be necessary to add together the number of juveniles handled by the court system and the number handled by the newer alternative agencies. However, while some of the juveniles handled by the newer alternative agencies are those who would have previously been handled by the court system, another percentage represents those who would not have been handled by any agency. That is, the creation of new alternatives for dealing with problem juveniles increases the total number of juveniles who will be referred for some type of services. Those whose behavior might not have appeared serious enough to direct to the juvenile court in the past, may now be referred to alternative helping agencies, thereby inflating the total number of problem youths provided services in the community. Therefore, to know accurately whether or not recidivism and overall delinquent behavior is actually reduced will require exceedingly careful record keeping and distinguishing between the juvenile who is a potential court statistic and those who are not.

4. Change in community attitudes. The most important implication of the figures provided in this report is that they signify a change in the community attitude towards delinquency. By creating alternative mechanisms within the community for dealing with problem juveniles, in addition to the juvenile court, the community is accepting a greater share of the responsibility for the problems of its children. Rather than isolating the juvenile from the rest of the community and demanding that somehow the court system take care of the problem, the creation of alternative agencies brings a larger share of the community into the treatment of problem youths. This widening circle of community involvement will inevitably produce a greater awareness that juvenile problems do not exist solely within the juvenile, but are related to the broader spectrum of the community in which they must live. Community treatment of truancy forces a realization that truancy

is a problem between the juvenile and the school, not just a problem of the juveniles. Similarly, community treatment of runaways and discipline problems forces a recognition that the problem is between the juvenile and the family, not just resident in the juveniles. Such alterations may provide, over the long run, the impetus for serious rethinking of many of the aspects of our total community life. Such a rethinking may eventually produce changes which will reduce the likelihood of certain behaviors either occurring, or being viewed as necessarily problematic. For example, to simply label a juvenile truant without considering the relationship between the juvenile and the school does not demand that we consider the meaning of education. However, if we must stop and consider the relationship between education and the problem juvenile, it is possible that we can eventually perceive alternatives for making education more attractive than truancy.

Overall, the data provided in this report indicate that we have begun a significant redirection of problem youths away from the formal system of juvenile justice. It is difficult at this point to accurately predict all of the long range effects of such a redirection. However, if it continues it should provide some real reduction in delinquency through (1) a reduction in recidivism and (2) a redefinition of certain behaviors as less indicative of personal maladjustment only.



END