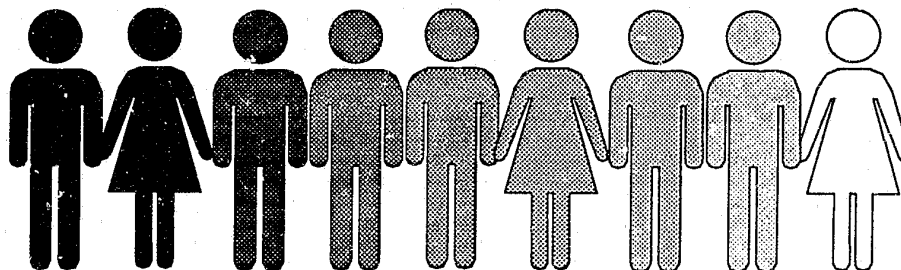


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# Embracing Diversity, Expanding Common Ground

## The Disproportionate Incarceration of North Carolina's Minority Children

### Executive Summary



U.S. Department of Justice  
National Institute of Justice

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January, 1994

Division of Youth Services  
Department of Human Resources

# **Embracing Diversity, Expanding Common Ground**

## **The Disproportionate Incarceration of North Carolina's Minority Children**

### **Executive Summary**

**Presented to**

**The Honorable James B. Hunt, Jr.  
Governor**

**C. Robin Britt, Sr.  
Secretary  
Department of Human Resources**

**Prepared with OJJDP Special Emphasis Grant Funds  
Office of Juvenile Justice and Delinquency Prevention  
Department of Justice  
Washington, DC**

**by**

**Vicky T. Church, M.Ed.  
Program Director for Minority Issues  
Division of Youth Services  
Department of Human Resources**

North Carolina's minority youth are confined disproportionately in detention centers and training schools. The State is mandated by the Juvenile Justice and Delinquency Prevention (JJDP) Act to prepare a plan to ameliorate this disproportionality.

## **Background**

### **Federal Mandate**

Receipt of JJDP funds is predicated on satisfying mandates of the federal JJDP Act. North Carolina has been compliant with the Act's first three mandates for some time: removal of juveniles from adult jails, sight and sound separation of incarcerated juveniles from adult offenders, and removal of status offenders from secure custody settings. In the 1988 reauthorization of the Act, a new requirement was added requiring states to determine if there was a disproportionate representation of minority youth in secure custody. Should a disproportionate representation exist, states were required to prepare plans for addressing this problem. In the 1992 reauthorization of the Act, the requirement became a mandate for all states participating in the Act.

### **Early North Carolina Initiatives**

In September 1990, the Office of Juvenile Justice and Delinquency Prevention (OJJDP) released the *Disproportionate Minority Confinement Technical Assistance Manual* containing suggested phases of assessment and reporting requirements for the new mandate. The first phase required both a general statewide assessment and assessments of three metropolitan statistical areas (MSAs). Since North Carolina had only one MSA, Mecklenburg County, data were also prepared on three counties: Alamance, Buncombe, and New Hanover. The Governor's Crime Commission completed the first phase of assessment and submitted this in a report to OJJDP in March 1991.

Phase Two required a more comprehensive assessment followed by a Program Action Plan. During the Fall of 1991, the Governor's Crime Commission, in partnership with the Division of Youth Services and the Criminal Justice Department of the University of North Carolina at Charlotte, conducted two forums to solicit information and direction: one for academicians and one for juvenile justice practitioners. Five public hearings were held during December 1991 and January 1992 in Asheville, Charlotte, Pembroke, Elizabeth City, and Durham.

Additionally, the University of North Carolina at Charlotte prepared juvenile arrest, detention, and training school commitment indices for each of the 100 counties. The indices were profiled both for calendar year 1990 and cumulatively for the calendar years 1987 - 1990. An index of greater than 1.00 indicated minority disproportionality, while an index less than 1.00 indicated majority disproportionality. An index of 1.00 represented no overrepresentation. Indices from 1990 indicated

that 66 counties had disproportionate minority juvenile arrests, 67 counties had disproportionate minority juvenile detentions, and 61 counties had disproportionate minority training school commitments.

While the state average indicated that minority youth were disproportionately represented by a factor of 1.26, county differences were notable. Counties ranged from no youth being arrested to minority youth being arrested at 4.52 times their county population. The state average for detentions was 2.26, but counties ranged from no youth held in secure detention to minority youth being held at 5.43 times their county population. Training school commitments were similar. The state average was 1.38 while counties ranged from no commitments to a county with a minority commitment rate of 6.32.

## **Special Emphasis Grant**

Since there was such a divergent pattern of disproportionality, North Carolina applied for an OJJDP Special Emphasis Grant to become a pilot state in addressing the disproportionate confinement of minorities. In October 1991, North Carolina was selected along with Arizona, Florida, Iowa, and Oregon to receive this grant. In February 1992, grant activities began with the hiring of a staff coordinator.

## **Pilot Counties**

As part of the Special Emphasis Initiative, North Carolina was asked to collect data from specific jurisdictions on juveniles accused of and/or convicted of delinquent offenses in calendar year 1990. Specifically, the data were to be examined to determine if decisions at key juvenile justice points were made which disparately affected minority youth. From the hypotheses generated at the forums and public hearings, North Carolina decided also to gather data related to family living situations, educational factors, drugs and alcohol, and the service delivery system available to these youth.

Because of regional, urban-rural, and racial diversity, North Carolina was asked to study five counties representing the mountains, the piedmont, the coastal plains, an urban county, and a Native American county. Counties were selected based on the highest four-year indices coupled with significant numbers of training school commitments. The respective counties selected were Buncombe, Caldwell, Johnston, Forsyth, and Cumberland. Additionally, North Carolina elected to study five companion counties with the lowest indices. Those counties were Haywood, Wilkes, Brunswick, Guilford, and Robeson. (Note: All the urban counties in the State were disproportionate; however, Guilford was the least disproportionate.)

## **Data Collection**

Juvenile arrest, probation, detention, and training school commitment data were collected from each of the counties.

Data on diversions and dismissals were available from nine of the counties. Arrest data were compiled from the Uniform Crime Monthly Reports submitted from each of the pilot counties. Because of the extent of the data needed and the lack of computer automated files in most of the counties, project staff gathered data from files available for review in the counties.

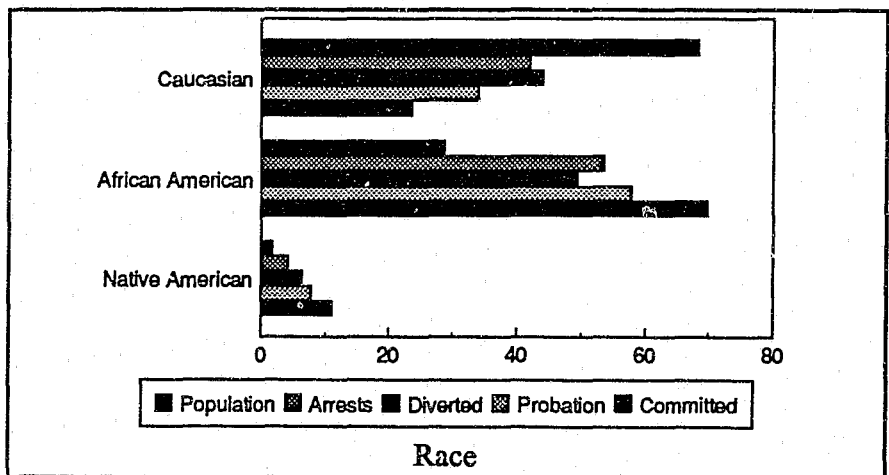
In seven counties, all known cases of juveniles charged with committing delinquent offenses in 1990 were coded. Because of the volume of cases in Forsyth, Guilford, and Cumberland counties, every fourth case from alphabetical listings was selected. In instances where juveniles were charged with multiple delinquent offenses in 1990, the latest delinquent offense for which the juvenile was convicted was the point in time used for gathering data. In the event where juveniles were charged with 1990 delinquent offenses, but not convicted, the last 1990 offense charged was the point of data collection. A total of 2,669 files were reviewed.

## Findings

There were wide variations among counties in the youth on probation and committed to training schools, their needs, and services provided. In the full report, data are provided detailing each county as well as the total study population. The summary found below is of the total study population.

### Race, Gender, and Age

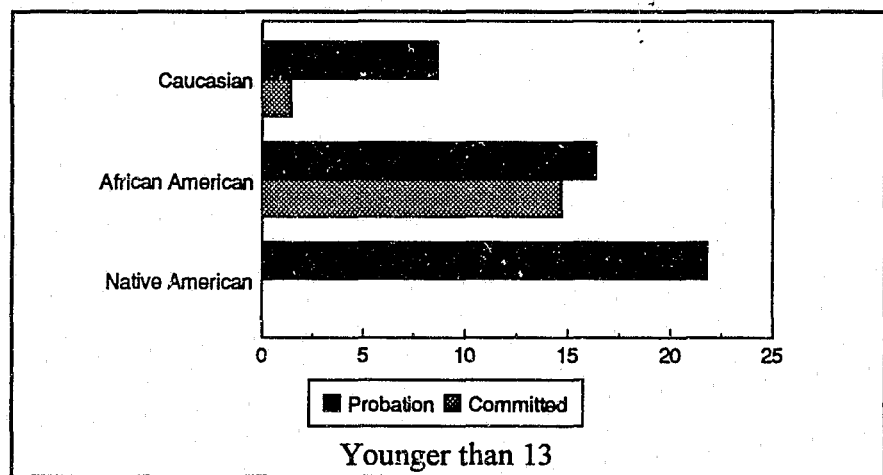
In the 1990 statewide population of youth between the ages of 10 through 15, Caucasian youth represented 68 percent, African American, 29 percent, and Native American, two percent. However, through progression to training school, Caucasian youth in the study were 24 percent, almost one-third of the original population; African American youth were 70 percent, more than double the original population; and Native American were 11 percent, almost six times the original population.



While approximately one-half the youth of the State were male,

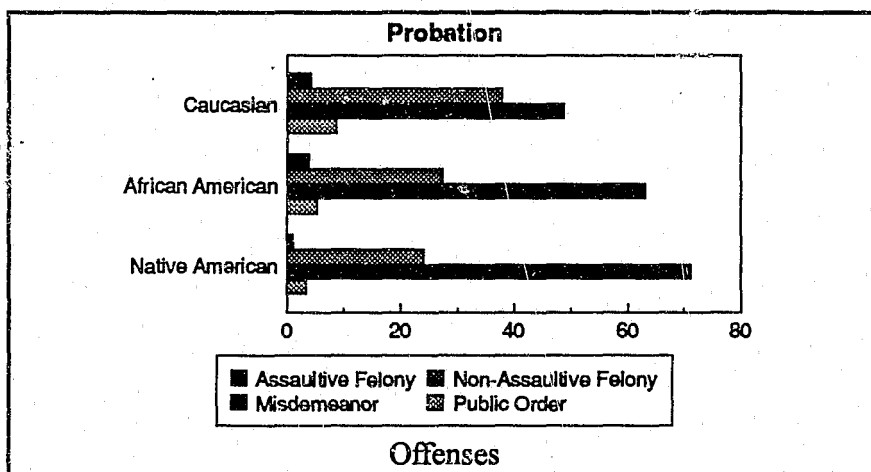
delinquent juveniles were primarily male. Males accounted for 86 percent of the probation Caucasian and African American youth and 75 percent of the Native Americans. Males were 76 percent of the committed Caucasian youth, 94 percent of the African Americans, and 89 percent of the Native Americans.

Most of the study youth were 13 years of age or older; however, there were variations between races. Nine percent of probation Caucasian youth, 16 percent of probation African American youth, and 22 percent of probation Native American youth were younger than 13. All committed Native American youth and 98 percent of committed Caucasian youth were 13 or older; however, 85 percent of committed African American youth were 13 or older.

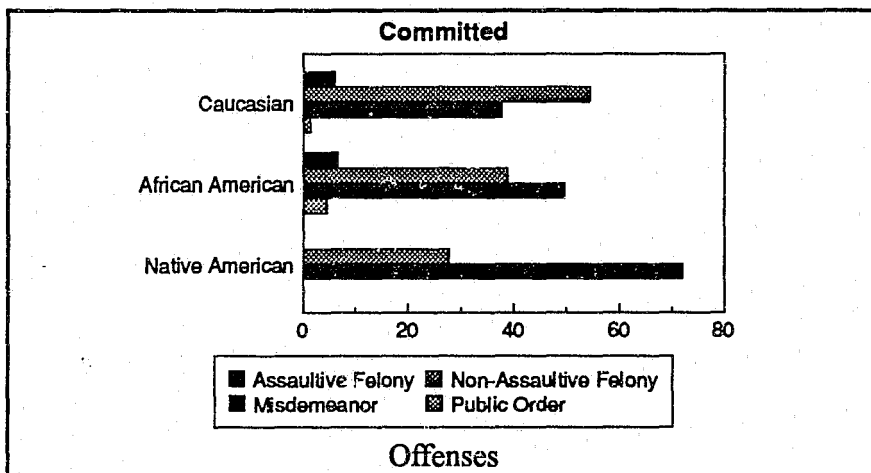


## Offense Histories

The largest offense category, and the one that appeared most disproportionate, was misdemeanor: 50 percent of Caucasian youth were on probation for misdemeanor offenses, compared to 63 percent of African American youth, and 71 percent of Native American youth. Of the remaining offense categories, non-assaultive felony was the next largest: 38 percent of Caucasians were on probation for non-assaultive felonies compared to 28 percent of African Americans and 24 percent of Native Americans.



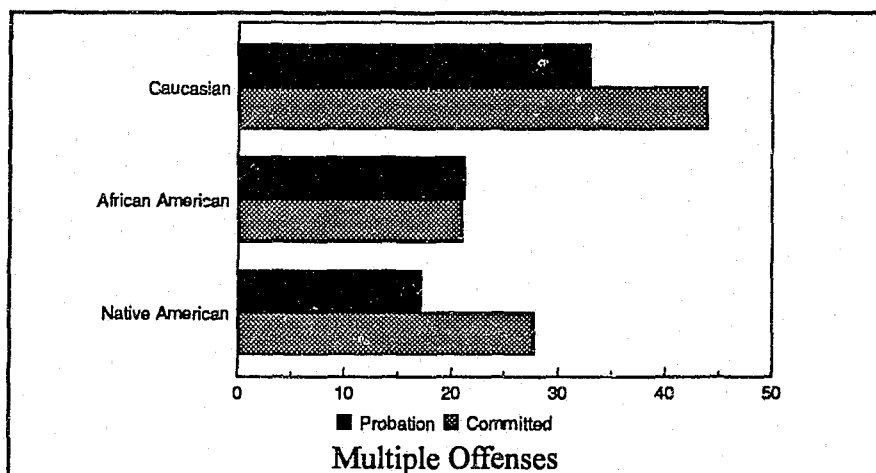
This trend became more pronounced for youth committed to training school with 55 percent of Caucasians being committed for non-assaultive felonies, 39 percent of African Americans, and 28 percent of Native Americans. Thirty-eight percent of Caucasians were committed for misdemeanors, 50 percent of African Americans, and 72 percent of Native Americans. When the most serious prior offenses of youth on probation were considered, the trend continued; however, there was a reversal for committed African American youth with 53 percent committing non-assaultive felonies as their most serious priors and 35 percent committing misdemeanors.



Use of detention varied for study youth pre-adjudication - accused of delinquent offense, but prior to conviction. Nineteen percent of the probation Caucasian, 16 percent of African American, and three percent of Native American youth were held in detention. Pre-adjudication detention for all committed youth increased dramatically to 42 percent for Caucasian youth, 67 percent for African American youth, and 17 percent for Native American youth.

Use of detention for youth post-adjudication - after conviction - was similar for all study youth. No detention was used for 75 percent of these probation Caucasian youth, 74 percent of probation African American youth, and 89 percent of probation Native American youth. Even less post-adjudication detention was used for committed youth with 56 percent of Caucasian youth, 44 percent of African American youth, and 61 percent of Native American youth not receiving detention.

Caucasian youth (33 percent) were more likely to be on probation for committing multiple offenses - more than one offense on the same date - than either African American youth (21 percent) or Native American youth (17 percent). Multiple offenses increased for committed Caucasian youth to 44 percent and for committed Native American youth to 28 percent and remained the same for committed African American youth.



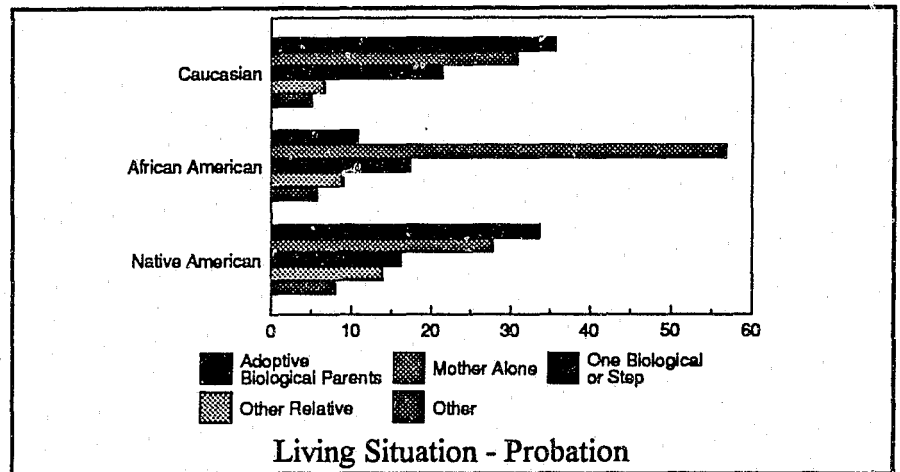
Weapons were not frequently used against persons. Eleven percent of probation Caucasian youth, 14 percent of African American youth, and 20 percent of Native American youth used weapons. Similarly, 12 percent of committed Caucasian and African American youth used weapons. Use of weapons declined for committed Native American youth to six percent.

## Families

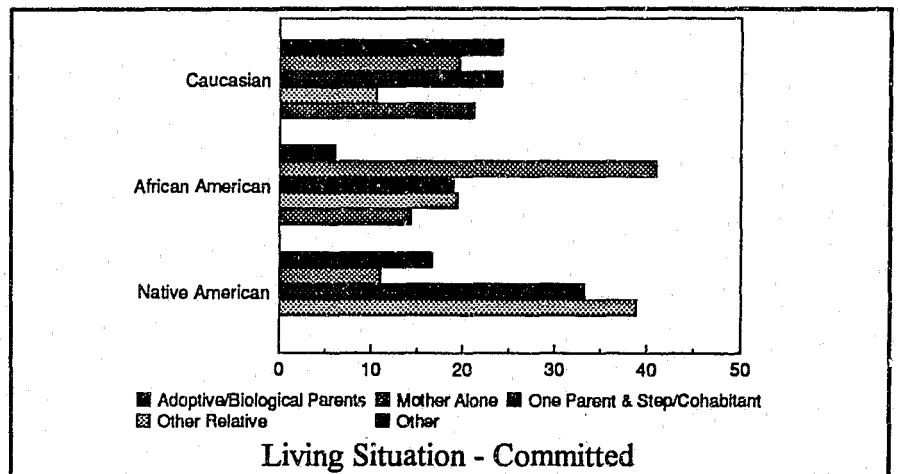
The living situations of probation study youth varied greatly. The majority (57 percent) of African American youth lived with mothers alone, compared to less than one-third of Caucasian (31 percent) and Native American youth (28 percent). Slightly over one-third of Caucasian (36 percent) and Native American (34 percent) youth lived with both parents while 11 percent of African American youth lived with both parents. Twenty-two percent of Caucasian, 18 percent of African American, and 16 percent of Native American youth lived with one parent and a step parent/cohabitant. Living situations with other relatives or outside the family accounted for 12 percent of the probation Caucasian



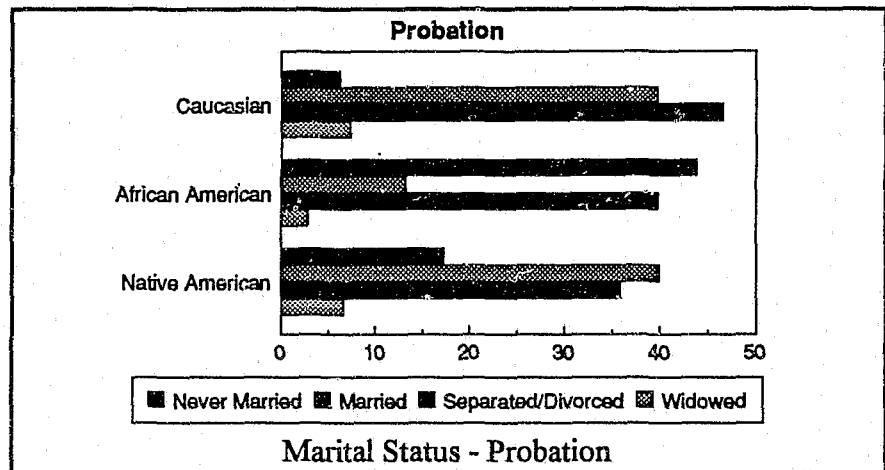
youth, 15 percent of the African American youth, and 22 percent of the Native American youth.



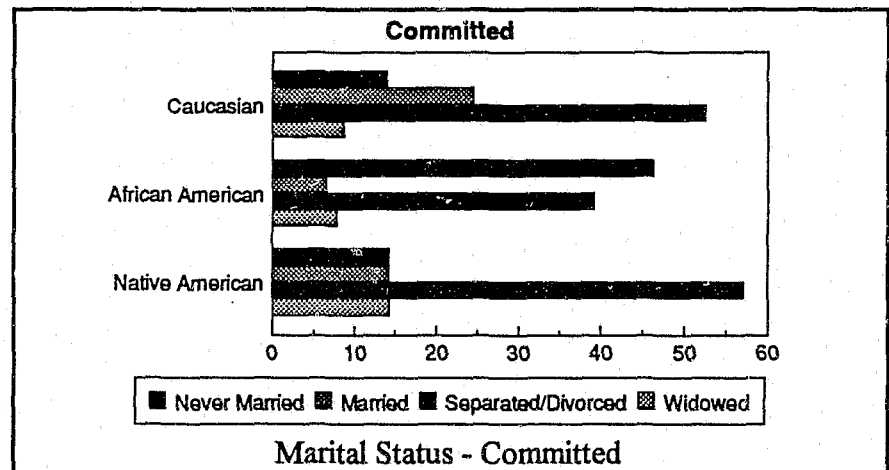
Living situations of committed youth were similar to the living situations of probation youth; however, higher percentages of youth were living with relatives or outside the family. Thirty-two percent of Caucasian youth, 35 percent of African American youth, and 39 percent of Native American youth were living outside their parents' homes.



Marital status of parents also varied widely among racial groups of probation youth. Parents of Caucasian youth were most frequently married (40 percent) or separated/divorced (47 percent). Similarly, parents of Native American youth were either married (40 percent) or separated/divorced (36 percent). Parents of African American youth had never been married (44 percent) or were separated/divorced (40 percent).



The trends were similar for Caucasian and African American committed youth. However, the majority (57 percent) of Native American committed youths' parents were separated/divorced and the marital status of the remaining Native American youth was equally divided among never married, married and widowed (14 percent each).

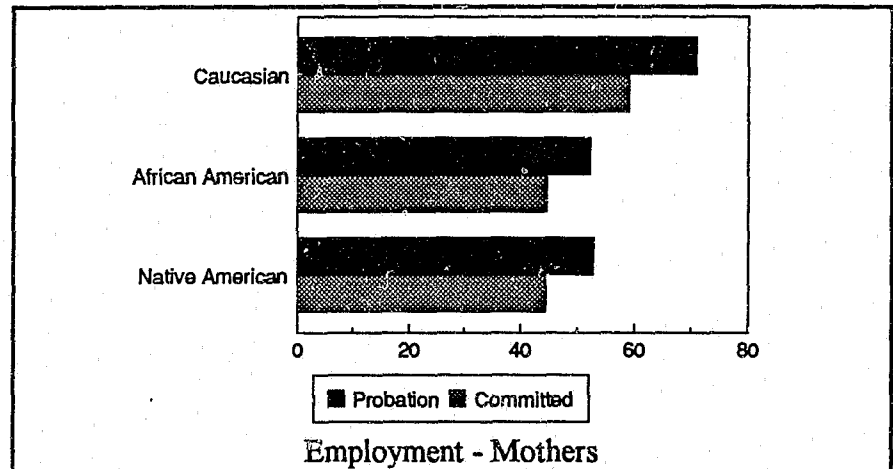


Most study youth lived in households of four or less. The majority of all probation youth lived in such households: Caucasian, 67 percent, African American, 66 percent, and Native American, 52 percent. Fifty-six percent of committed Caucasian and 61 percent of African American youth lived in households of four or less compared to 12 percent of committed Native American youth.

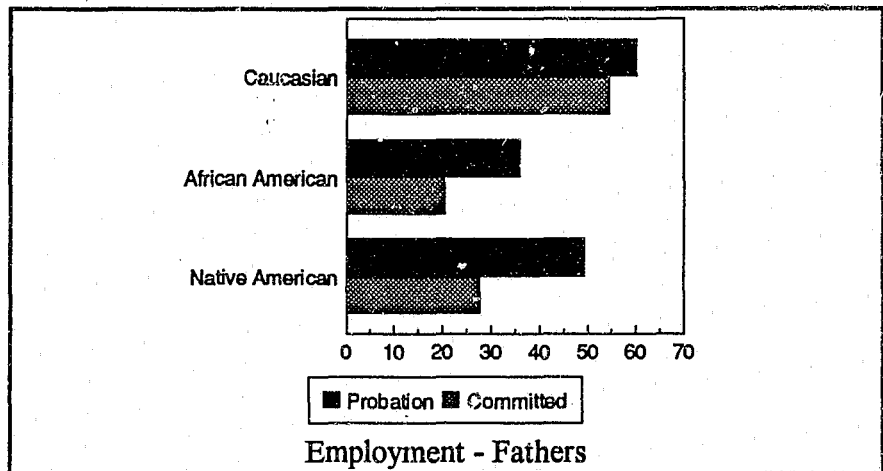
According to 1990 census data, median income in North Carolina for two parent households was \$43,426 and for mother-alone households, \$14,802. Per capita income available to Caucasian families was \$14,450 while only \$7,926 and \$8,097 was available to African American and Native American families respectively.

Not surprisingly, then, 50 percent of probation African American youth were receiving economic assistance as were 48 percent of probation Native American youth and 19 percent of probation Caucasian youth. Trends were slightly higher for committed African American youth (55 percent) and slightly lower for committed Native American youth (44 percent) and committed Caucasian youth (12 percent).

At a time when statewide female unemployment averaged 5.5 percent (4.0 percent for Caucasians, 10.2 percent for African Americans, and 9.0 percent for Native Americans), mothers of study youth were less employed. However, the majority of all mothers of probation youth were employed: 71 percent of Caucasian mothers, 52 percent of African American mothers, and 53 percent of Native American mothers. Mothers of committed youth were less employed: 59 percent of the Caucasian mothers, 45 percent of the African American mothers, and 44 percent of the Native American mothers.



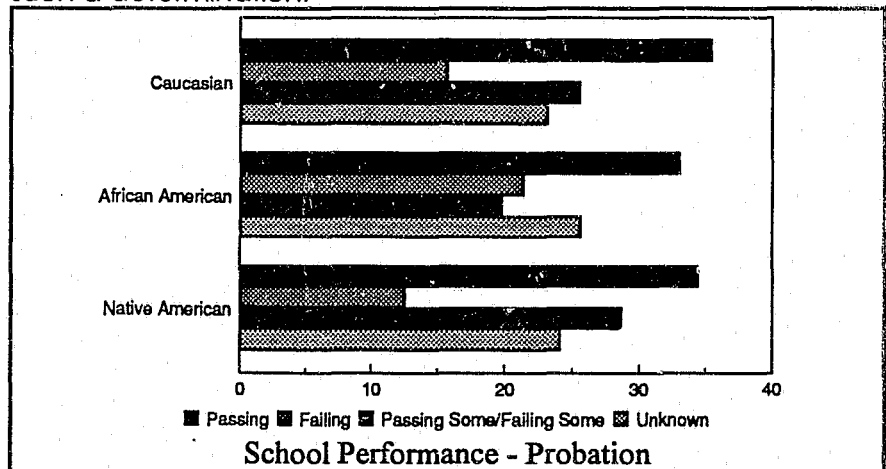
While statewide unemployment for males was even less than for females (4.2 percent overall, 3.2 percent for Caucasians, 8.4 percent for African Americans, and 8.9 percent for Native Americans), fathers were less employed than mothers. The majority (60 percent) of fathers of probation Caucasian youth were employed; however only 36 percent of the fathers of African American youth were employed and 49 percent of the fathers of Native American youth. Fifty-five percent of the fathers of committed Caucasian youth were employed compared to 21 percent of the fathers of committed African American youth and 28 percent of the fathers of committed Native American youth.



Home ownership showed major variations as well. Census data from 1990 showed that statewide the majority of youth lived in homes owned by their parents: 73 percent of Caucasian youth, 50 percent of African American youth, and 66 percent of Native American youth. Patterns for study youth looked quite different: only 53 percent of probation Caucasian, 17 percent of probation African American, and 52 percent of probation Native American youth lived in homes owned by parents. Similarly, 40 percent of Caucasian, 15 percent of African American, and 53 percent of committed youth lived in homes owned by parents.

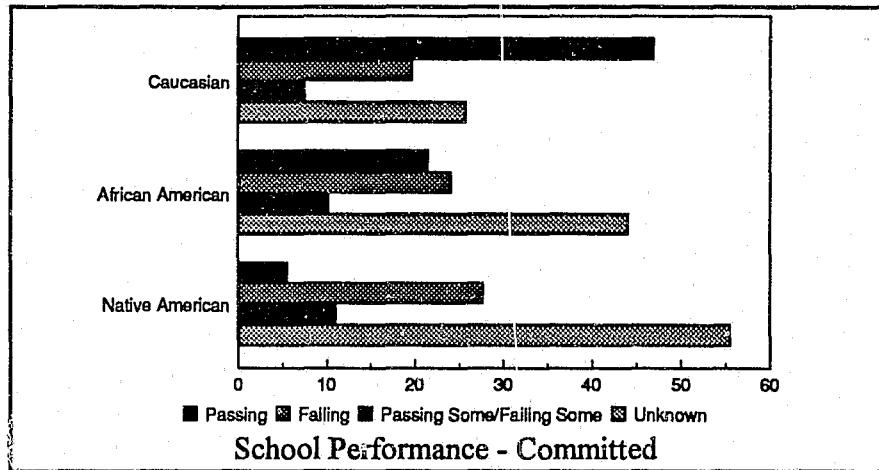
## Schools

School performance of most probation youth was similar. Approximately one-third of probation youth were passing their grades, 35 percent of the Caucasians, 33 percent of the African Americans, and 34 percent of the Native Americans; however, for one-fourth of these youth, information was not available to make such a determination.



School performance of committed youth varied greatly: 47 percent of Caucasians, 22 percent of African Americans, and 28 percent of Native Americans were passing. Information unknown

about school performance also varied greatly: 26 percent of Caucasians did not have sufficient information in the files to make the determination, 44 percent of African Americans, and 56 percent of Native Americans.

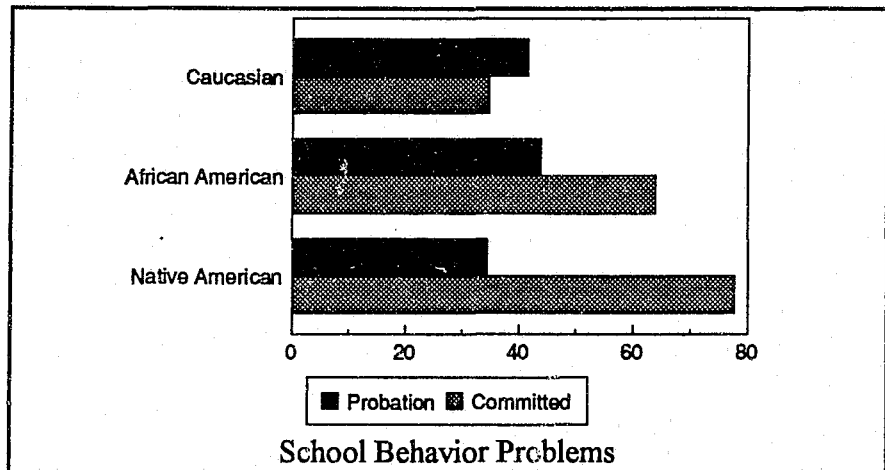


Patterns for repeating grades were similar among project youth: 42 percent of probation Caucasian youth, 43 percent of probation African American youth, and 41 percent of probation Native American youth had repeated grades. Insufficient information existed to make such a determination for 17 percent of the Caucasians, 20 percent of the African Americans, and 25 percent of the Native Americans. Similarly, 53 percent of the committed Caucasian youth, 45 percent of the committed African American youth, and 50 percent of the committed Native American youth had repeated grades. Information was insufficient for 20 percent of the Caucasians, 22 percent of the African Americans, and 39 percent of the Native Americans.

The majority of study youth were truant. Of the probation youth, 53 percent of the Caucasians, 42 percent of the African Americans, and 44 percent of the Native Americans were truant. Information was insufficient for 10 percent of the Caucasians, 15 percent of the African Americans, and 11 percent of the Native Americans. Committed youth were even more truant. Sixty-two percent of the Caucasians, 56 percent of the African Americans, and 72 percent of the Native Americans were truant. Information was insufficient for 21 percent of the committed Caucasian youth, 10 percent of the committed African American youth, and six percent of the committed Native American youth.

School behavior problems were exhibited by 42 percent of the Caucasian probation youth, 44 percent of the probation African American youth, and 34 percent of the probation Native American youth; however, for one-fifth of these youth, information was not sufficient to make a determination. The majority of

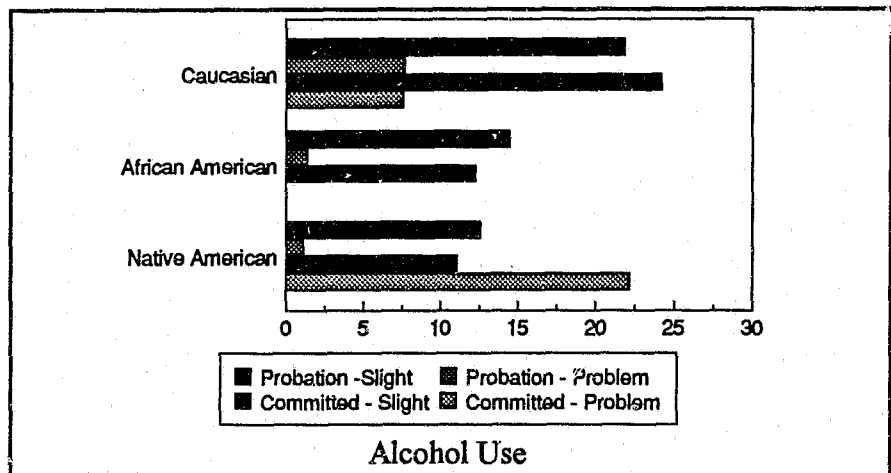
minority committed youth exhibited school behavior problems: 64 percent of African Americans and 78 percent of Native Americans. Committed Caucasian youth exhibited behavior problems in 35 percent of the cases. Sufficient information was not available to make a determination for 18 percent of the Caucasians, 25 percent of the African Americans, and 17 percent of the Native Americans.



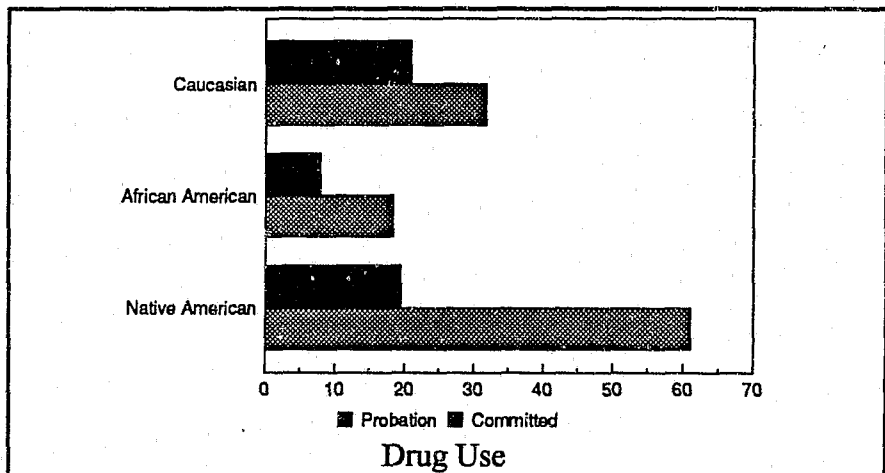
## Alcohol and Drugs

Of the probation youth, Caucasians used alcohol more than the other races: 22 percent used alcohol slightly and eight percent had problem drinking behaviors. Fifteen percent of probation African American youth used alcohol slightly and one percent of them had problem drinking behaviors. Thirteen percent of probation Native American youth used alcohol slightly and one percent had problem drinking behaviors.

Twenty-four percent of committed Caucasian youth used alcohol slightly and eight percent exhibited problem drinking behaviors. Twelve percent of committed African American youth used alcohol slightly and none had problem drinking behaviors. Eleven percent of committed Native American youth used alcohol slightly and 22 percent had problem drinking behaviors.



Illicit drug usage also varied among the races. Twenty-one percent of probation Caucasian, eight percent of probation African American, and 20 percent of probation Native American youth used drugs. More committed youth used drugs: Caucasians, 32 percent; African Americans, 18 percent; and Native Americans, 61 percent. The drug that was most used by all races was marijuana; however, increasing numbers of committed youth used cocaine and crack.



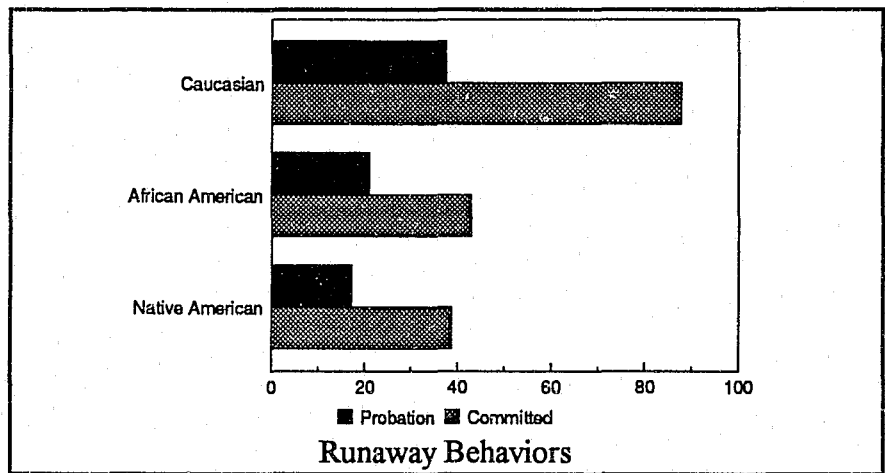
Drug trafficking was not noted for any Native American youth. One percent of probation Caucasian youth, seven percent of probation African American youth, 12 percent of committed Caucasian youth, and 16 percent of committed African American youth were noted for drug trafficking. The primary drug trafficked by Caucasian youth was marijuana while cocaine and crack were the primary drugs trafficked by African American youth.

## Other

Serious medical problems (such as head injury, asthma, etc.) were indicated for 17 percent of the probation Caucasian youth and

10 percent of the African American and Native American youth. Twenty-nine percent of the committed Caucasian youth, 11 percent of the committed African American youth, and six percent of the committed Native American youth had serious medical problems.

Runaway behaviors were noted for 38 percent of the probation Caucasian youth, 21 percent of the probation African American youth, and 17 percent of the probation Native American youth. Runaway behaviors escalated for committed youth: 88 percent of the Caucasians, 43 percent of the African Americans and 39 percent of the Native Americans.



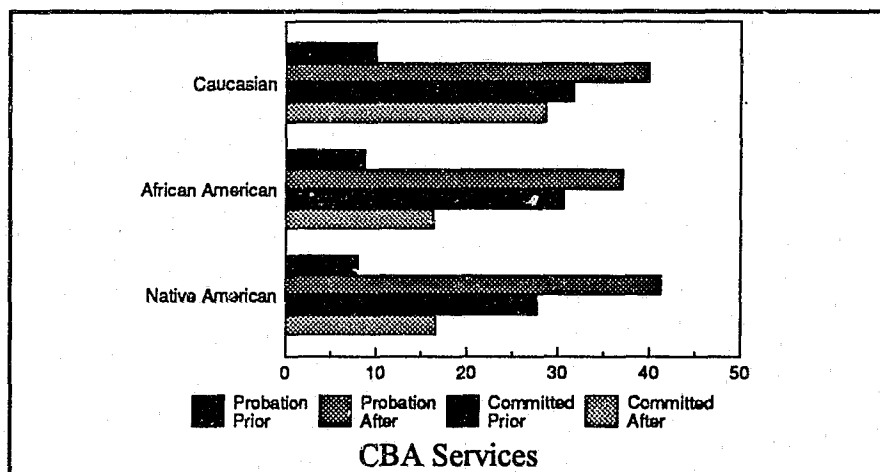
The files did not indicate many substantiated cases of youth abuse or neglect. It is believed that these data were not reflective of study youths' realities, but rather indicated that these legal determinations were not routinely forwarded to the youths' delinquent files. Regardless, substantiated child abuse was noted for four percent of probation Caucasian youth, one percent of probation African American youth, two percent of probation Native American youth, nine percent of committed Caucasian youth, and four percent of committed African American youth. Substantiated neglect was noted for four percent of probation Caucasian youth, one percent of probation African American youth, six percent of probation Native American youth, two percent of committed Caucasian youth, and two percent of committed African American youth.

Willie M. certification and/or nomination was noted for three percent of the Caucasian, seven percent of the African American, and 26 percent of the Native American youth on probation. It was similarly noted for three percent of the committed Caucasian, seven percent of the committed African American, and 28 percent of the committed Native American youths' files.



## CBA Services

The full report profiles all services to which project youth were referred. Services provided by the Division of Youth Services Community Based Alternatives (CBA) are actual comparisons of study youth to CBA records. The CBA services were provided to 50 percent of the probation Caucasian, 48 percent of the probation African American, and 49 percent of the probation Native American youth. Sixty-one percent of committed Caucasian, 47 percent of committed African American, and 55 percent of committed Native American youth received CBA services.



## Epilogue

The OJJDP Special Emphasis Grant is expected to be completed in September, 1994. Since completion of the research phase of the grant, pilot counties have been provided county-specific data to enable assessment of and enhancement of their capabilities in meeting the needs of juvenile justice minority youth. The pilot counties have made recommendations for local change as well as state and federal change.

During the Spring of 1994, a statewide conference will be conducted to share the project's activities and solicit further suggestions for addressing the disproportionate incarceration of minority youth. During this conference, representatives from all counties in North Carolina will be trained in monitoring disproportionality and will be provided manuals highlighting program and planning resources.

## For More Information

Full reports of the study are available upon request. Slide show presentations that detail the total study or a specific county can be arranged for groups. Please call (919) 733-3011 for more information.