



# INVEST IN OUR CHILDREN INVEST IN OUR YOUTH

ENDING YOUTH CRIMINALIZATION IN NORTH CAROLINA





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## ACKNOWLEDGMENTS

The Southern Coalition for Social Justice's (SCSJ) Justice System Reform (JSR) program envisions a future in which young people of color attend schools that lift them up, not pat them down; live in communities that follow their lead, not suppress their voice; and are served by governments that invest in their future, not their incarceration. We believe in a world where no child is criminalized and communities of color have the resources, representation and power to thrive in their full dignity.

This report is a collaborative effort intended to support grassroots organizations organizing against the criminalization of students of color, and advocating for greater investments in alternatives to criminalization.

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We respectfully acknowledge that the lands within and surrounding present day North Carolina are the traditional lands and gathering places of many Indigenous peoples, home today to the Eastern Band of Cherokee Indians, Cohaire Intra-Tribal Council, Haliwa-Saponi Indian Tribe, Lumbee Tribe, Meherrin Nation, Occaneechi Band of the Saponi Nation, Sappony, Waccamaw-Siouan Tribe and all self-identifying Indigenous people in our state. As we work and engage with local communities and seek justice for future generations, we offer gratitude for the use of this land.

We honor the enslaved people who built the wealth of this state, and recognize that the history of North Carolina is built on the devastating legacies of the transatlantic slave trade and colonialism. As Dr. Ruha Benjamin states, "we acknowledge the reparations owed to Black and Indigenous Communities and Nations, and the impossibilities of return for generations past."<sup>1</sup>



## REPORT SUMMARY

Throughout America's history, youth of color have been traumatized by racial violence and dehumanized by a society that often views their presence as a threat to public safety. These same young people are at constant risk of state-sanctioned violence from discriminatory law enforcement, which criminalizes age-appropriate behaviors and suppresses their freedom of movement.

The criminalization of youth exposes our youngest community members to a series of traumatic experiences negatively impacting their adolescent development, altering their life's trajectory, and impacting future generations.

This report highlights the harms and alternatives to youth criminalization in North Carolina. Using historical records and perspectives, we define youth criminalization as a centuries-old legal system predicated on targeting people of color of all ages and excluding children of color from protective narratives and structures. Personal experiences and quantitative data tell a contemporary story of ongoing racial injustice, compounded by the lack of support systems for those with disabilities and those living in poverty.

Disparities for Black, Latine, and Indigenous youth exist at almost every stage of the juvenile criminal legal process in North Carolina, and the disparities are most stark for Black youth. Research shows that these disparities are not due to higher rates of misbehavior, but are instead driven by intentional policy choices and structural factors. Rather than shield students from injustice, these policies and practices often mirror the same racist ideologies that have oppressed people of color for centuries.

- In 2020, Black youth represented less than one-quarter of the overall youth population in North Carolina (approximately 23%), but represented 56% of all juvenile complaints. White youth, in contrast, represented over half of the youth population in the state (approximately 52%), but only 28% of all juvenile complaints.<sup>2</sup>
- Black youth represented 67% of youth in North Carolina placed in short- and long- term confinement in 2020, while white youth represented only 18% of short-term (detention center) admissions and 23% of long-term (youth development center) commitments.<sup>3</sup>

The majority of youth enter the state's juvenile criminal legal system for minor offenses and age-appropriate behaviors exhibited

Black children represented

**56% & 67%**

of all  
juvenile complaints

of youth in  
short and long term confinement

The cost of criminalizing youth in 2020 is

**\$170,000,000**

The cost of incarcerating one youth for one year is

**\$155,734**

during school hours. In fact, school policing and school-based referrals to the North Carolina juvenile criminal legal system remain primary drivers of youth criminalization.<sup>4</sup>

- National data show that Black students are the most overdisciplined demographic compared to white students, and Black girls are overdisciplined at even higher rates than Black boys compared to white youth.<sup>5</sup>
- During the school year 2019-2020, Black students in North Carolina represented almost half of all school-based complaints (49%), despite representing only 25% of statewide student enrollment; white students represented 35% of all school-based complaints despite representing 46% of statewide student enrollment.<sup>6</sup>
- At the district level, Black children were overrepresented in 82% of the districts (94 districts out of 115), with some districts exhibiting severe overrepresentation.<sup>7</sup>

Our report follows a “**divest/invest**” framework, which means we bring attention to the choices that resource a misguided, harmful, and racist system, and we call for a reinvestment in community-led alternatives that support and nourish youth of color and their communities.

- Over the last six years, total state appropriations to North Carolina’s juvenile criminal legal system have increased by approximately 37.5%.<sup>8</sup>
- In 2020, North Carolina spent over \$170 million disciplining, policing, and incarcerating our state’s youth. Of this amount, our state spent almost \$50 million on court services and close to \$40 million to detain and incarcerate youth.<sup>9</sup>

- **For the cost of incarcerating one youth for one year (\$155,734), North Carolina could cover one year of in-state university tuition and fees for 23 students.**<sup>10</sup>

The criminalization of youth costs North Carolina millions of dollars each year, paid for primarily by a regressive state tax system in which people with less income and wealth tend to pay the highest percentage in taxes. By realigning public spending with community priorities and investing in youth supports, preventative resources and community-led alternatives to youth criminalization, we can prioritize and support the healthy development of our community’s young people. Examples of existing community-led initiatives and a menu of common-sense public policies can lead us to an alternative that transforms justice at the

community level, supports youth wellness, and promotes positive youth development.

**What is divest/invest?** As Marbre Stahly-Butts of Law for Black Lives explains, divest/invest is “the idea that as we’re making reforms, as we’re pushing policy changes, as we’re overseeing shifts in practice, that we pay special attention to how money is being spent, and we demand a divestment from the systems that harm our communities... and demand that money that’s currently being spent, that’s being poured into those systems with no accountability, be moved instead to community-based alternative systems that support our people, that feed our people, that ensure we have jobs, and housing – the things we need to take care of ourselves and our communities.”<sup>11</sup>

## INTRODUCTION

The current state of investment in youth criminalization, combined with a lack of adequate investment in supportive resources, has profound impacts on the health and well-being of thousands of children across our state, in particular children of color. These traumatic effects can often be long-term, impacting not only the youth who come in contact with these systems, but their families and communities across generations.

North Carolina policy makers choose to pour tens of millions of dollars into a traumatic and unjust system. Budgets are moral statements. Our current investments speak volumes about the priorities of elected officials and

policy makers, especially as it relates to their interest in supporting youth of color. Our children are paying a heavy price for these choices, as are our communities.

Our report addresses the harms of a state-supported youth criminalization system. We also speak to a vision of the future — modeled by already-existing community-led initiatives — in which we prioritize and support the healthy development of our community’s youngest members with strength-based approaches centering dignity and respect.

**A note on terminology:** Throughout this report, we refer to North Carolina’s **juvenile criminal legal system** as a division of the North Carolina Department of Public Safety. When referring to the larger system(s), however, we follow the lead of prison abolitionist Mariame Kaba and use the term **criminal punishment system** to acknowledge the system’s focus on retribution as opposed to the ends it purports to pursue.

We are using the gender-neutral usage of **Latine**, recognizing that Latinx is often used in the U.S. for this purpose, and taking our lead from activists in Spanish-speaking countries. We are using the terms **Black, Indigenous, Latine, and white** for the populations the data categories describe, in an attempt to be as specific as possible, to reveal data limitations, and to avoid rendering groups invisible. We understand that not everyone will see themselves in these terms, and honor and respect the language individuals and communities use to describe their own identities.

## THE HUMAN COST OF YOUTH CRIMINALIZATION

Adolescence is a transitional period during which we move out of our childhood dependence on parents and guardians and into a state of independence before adulthood. As our brains develop between the ages of 10 to 25, we grapple with identity, learn to manage our emotions and relationships, and develop our sense of equity and fairness. We experiment with the world around us, developing coping mechanisms and practices of resiliency that remain with us as we transition into adulthood.<sup>12</sup>

Research demonstrates that interventions created to support families and establish a safe and supportive social environment benefit adolescent development.<sup>13</sup> These interventions help create three conditions critical for a healthy adolescence: (1) positive relationships with adults genuinely concerned about the adolescent's wellbeing; (2) inclusion within peer groups that model prosocial behavior; and (3) involvement in activities that promote critical thinking and autonomous decision-making.<sup>14</sup>

Conversely, traditional practices within the youth criminal punishment system (e.g., arrest, secure detention, commitment to youth detention and other court ordered out-of-home placements, and probation) are counter-productive to positive adolescent development. Carceral practices remove youth from any positive familial relationships, separate them from prosocial peer groups, and disrupt their educational experience all while aggregating youth who

may be suffering from similar academic, behavioral, and psychological challenges.

### Raising the - Maximum and Minimum - Age

Advocates and organizers throughout North Carolina successfully campaigned to raise the age at which a youth is tried as an adult in criminal court from 16-years of age to 18-years of age. Prior to the passage of the Juvenile Justice Reinvestment Act (JJRA), North Carolina was the only state to automatically prosecute 16-year olds and 17-year olds as adults. 'Raise the Age' went into effect on December 1, 2019.<sup>15</sup>

Until the 2021 legislative session, the North Carolina juvenile criminal legal system also had the dubious distinction of criminalizing earlier into childhood than any other state - declaring 6-year olds eligible to be defendants.<sup>16</sup> Governor Cooper signed SB 207 into law in August 2021, which raises the age of juvenile jurisdiction from 6-years old to 10-years old, with some exceptions such as Class A-G felonies.<sup>17</sup>

### The Collateral Consequences of Youth Criminalization

After entering the criminal punishment system, youth face immediate and collateral consequences harming their future, their families, and their communities, including: loss of instructional time and course credits; legal costs and court fees; separation from family; emotional and physical trauma; challenges to their immigration status; loss of housing assistance; and loss of employment.<sup>18</sup>

Our society relies heavily on the juvenile criminal punishment system for handling youth with serious mental health needs and research shows that youth incarceration can cause or exacerbate **mental health** issues.

- A point-in-time survey in December 2020 showed that **96% of youth committed to North Carolina's youth development centers (YDC) carried at least one mental health diagnosis**; 78% presented with more than one diagnosis. On average, the young people committed to YDC's carried three separate mental health and/or substance use disorder diagnoses.<sup>19</sup>
- The isolation associated with youth incarceration can lead to a lack of social interaction and exercise, causing increased anxiety, depression, anger, and lower levels of brain function.<sup>20</sup>
- One study found that for one-third of incarcerated youth diagnosed with depression, the onset of their depression took place after they began their incarceration.<sup>21</sup>
- Youth incarceration has also been linked to mental illness and suicide in adulthood.<sup>22</sup>

### What is a youth development center (YDC)?

North Carolina operates two types of youth secure custody facilities: detention facilities and youth development centers (YDCs). DPS calls North Carolina's 12 juvenile detention centers "secure, temporary facilities" where youth await a court date or until a more permanent detainment placement is arranged.<sup>23</sup> YDCs are the "most restrictive, intensive dispositional option available to North Carolina's juvenile courts."<sup>24</sup> There

are currently four YDCs across the state — a fifth is in construction. Commitment is typically for a period of at least six months; in 2020, the average stay was 14.2 months. A child as young as 10 can be committed to youth development centers; in 2020, the youngest age of a child committed was 13.<sup>25</sup>

Youth detention and incarceration negatively impacts **physical health** well into adulthood.

- In youth detention centers, there is an increased risk for communicable diseases, such as HIV and HPV, as well as physical and sexual trauma.<sup>26</sup>
- Post-release conditions, such as disrupted social networks, unemployment, and social stigma, also contribute to negative health outcomes.<sup>27</sup>

Youth Incarceration causes gaps and lapses in **education**.

- The majority of youth nationwide (66%) do not return to school after being released from secure facilities.<sup>28</sup>
- Of youth released from YDCs in North Carolina in 2019, about 37% were repeating their grade level, and more than 30% of students were more than a year behind their cohort.<sup>29</sup>
- Students returning from incarceration also face issues re-enrolling in their home school district, transferring credits earned while incarcerated, being needlessly forced into alternative educational settings, and experiencing stigmatization while attending school.

Youth criminalization and incarceration negatively impacts the **entire family**.

- The criminal punishment system separates youth from their family, breaking family and sibling ties which has negative effects on child and adolescent development.<sup>30</sup>
- Families experience financial hardship trying to support a child accused of a crime, and low-income families, especially, may not be able to afford the court costs and potential attorneys fees involved.<sup>31</sup>
- Siblings have an especially difficult time adjusting to the loss of their incarcerated or detained siblings and experience significant emotional stress and social stigma. In fact, after an older sibling is incarcerated, younger siblings are more likely to become incarcerated themselves.<sup>32</sup>
- Noncitizen youth and their families in contact with the criminal punishment system are also at greater risk of detention and deportation by federal immigration authorities.<sup>33</sup>
- Court involvement can also affect Section 8 housing vouchers. The housing authority has broad discretion to evict (or deny the application of) an entire household based on the action of any one tenant, or any guest of any one tenant.

**Poverty and the North Carolina juvenile criminal legal system:** “Poverty is the foundational principle of what’s going on” in North Carolina’s juvenile courts, an attorney told researchers looking at the intersections between poverty and North Carolina’s juvenile





criminal legal system. Court-ordered fines and fees, on top of indirect costs like constraints on time, transportation, and support services that can lead to failure to comply with court orders, work together to exacerbate existing economic inequities. The penalties faced by parents and ultimately children are severe and can often lead to deeper and prolonged entanglement in the system.<sup>34</sup>

The delays or gaps in education experienced by incarcerated youth also hinder their ability to find a job and obtain **economic stability** after release.

- Research shows that young people who have been incarcerated have less education, job experience, skills, and social capital – all of which make it harder to find a job.<sup>35</sup>
- Loss of income also impacts their family and community, establishing a pattern that helps uphold the status quo of socioeconomic inequity and mass incarceration.

Youth incarceration also increases chances for **recidivism**, meaning young people who have been incarcerated are more likely to come in contact with the carceral system again than someone who has never been incarcerated.

- Studies have found that prior incarceration – by itself – was a greater predictor of recidivism than gang membership, carrying a weapon, or having a poor parental relationship.<sup>36</sup>

## THE PAST AND PRESENT OF YOUTH CRIMINALIZATION IN NORTH CAROLINA

The harms of North Carolina's juvenile criminal legal system fall disproportionately on our state's children of color. At each critical stage of the process — in school-based referrals, the filing of criminal complaints, secure detentions, and youth development center incarcerations — Black youth, in particular, are disproportionately targeted and impacted.

**Research shows that these disparities are not due to higher rates of misbehavior, but are instead driven by bias as well as systemic and structural factors.** Black youth are often perceived as more dangerous, involved in drug use, and less responsive to rehabilitation than their white peers.<sup>37</sup> Black girls are often viewed as less innocent, more adult-like and in need of less support than their white peers, especially in the age range of 5-14.<sup>38</sup> Anti-Black stereotypes can lead to more severe reactions to youth misbehavior.<sup>39</sup>

Insensitivity and racial stereotyping on the part of police, prosecutors, judges, and court workers contribute to racial and ethnic disparities in the youth criminal punishment system.<sup>40</sup> Court officials, for example, often have the discretion to detain young people accused of crimes if officials believe these youth will miss upcoming hearings or are at risk for committing

additional crimes. Their discretion can lead to the disproportionate detainment of Black and Latine youth.<sup>41</sup> Additionally, racial stereotypes about home conditions often lead to negative intake results, even when youth come from what would commonly be considered stable home environments.<sup>42</sup>

Black students are also disproportionately represented in school-based referrals (see below). Again, research has consistently shown that these disparities are not due to higher rates of misbehavior.<sup>43</sup> The **school-to-prison pipeline** is a major component of institutional racism in the United States insofar as it helps to maintain racial inequality and disproportionality without the majority of Americans being aware of this function.<sup>44</sup> This is observable in education discipline policies which have created a narrative in schools that label disruptive youth as dangerous and in need of punishment or removal for their transgressions, in order to promote the safety and well-being of other students (often white students) in the school.<sup>45</sup>

**School-to-prison pipeline:** The collective tools, approaches, and policies of the modern criminal punishment system that exist in schools and funnel children from public schools onto a track toward criminalization.

Racist school disciplinary policies and discretionary rules are particularly harmful

### Black girls - compared to white girls

had over

**4 times**

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almost

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and over

**3.5 times**

the risk of  
**arrest at school**

for Black girls. National data show that Black students are the most overdisciplined demographic compared to white students, and Black girls are overdisciplined at even higher rates than Black boys compared to white youth. In 2017-2018, **Black girls - compared to white girls - had over four times the risk of receiving out-of school suspension, almost four times the risk of expulsion, and over three and half times the risk of arrest at school.**<sup>46</sup>

In addition to the adultification of Black girls, suspensions of Black girls are often driven by teachers' unconscious racial bias, and frequently occur when students justifiably break racist rules. Policies that prohibit specific hairstyles and clothing, for example, empower educators to apply stereotypes interpreting certain behaviors as defiant. Insufficient mental health resources also play a role in the overcriminalization of Black girls.<sup>47</sup>

**School policing forms an integral part of the school-to-prison pipeline and the social control of students of color. The presence of school resource officers (SROs) in schools is associated with increased referrals to law enforcement for minor, nonviolent infractions.**<sup>48</sup> Police officers often perceive Black boys as older, viewing them as less childlike and less innocent than white boys of the same age suspected of committing the same offenses.<sup>49</sup> One study found that students who displayed a “[B]lack walking style” were perceived by their teachers as lower in academic achievement, highly aggressive, and more likely to need special education services.<sup>50</sup>

## **Criminalization of Black Children in the U.S.: An Origin Story**

Our country has devalued and overcriminalized Black children for centuries. Two themes run through the historical literature on the rise of the youth criminal punishment system: a Eurocentric understanding of the appropriate behavior of children, and an exclusion of children of color from both the narratives and structures that protect children.<sup>51</sup>

During the period of chattel slavery, societal views of children excluded Black children, who were instead seen as valuable commodities to be bought, sold, and punished without protections. Language written in the Thirteenth Amendment allowed for the re-enslavement of Black people through the prison system, which continued to legitimize slave-like conditions.<sup>52</sup> This provision, combined with the convict leasing system, where Southern states leased incarcerated people to private entities, legalized control over Black people.<sup>53</sup>

In direct response to the 13th Amendment, Southern states passed laws known as “Black Codes” that criminalized certain behaviors common to recently freed Black people like “walking at night” or “walking without a purpose.”<sup>54</sup> Black Codes also enabled courts to force Black children into “apprenticeships” with former slaveholders until adulthood.<sup>55</sup> The Black Codes dramatically increased prison populations and, by the 1870s, 95% of people in Southern prisons were Black.<sup>56</sup> As of 1890, 18% of all Black prisoners were children.<sup>57</sup>

As a result of the actions of reformists Julia Lathrop and Lucy Flower, who drafted

“An Act for the Treatment and Control of Dependent, Neglected and Delinquent Children,” the nation’s first youth court was established in 1899 in Chicago.<sup>58</sup> By 1912, youth courts had been established in 22 states, with Black youth overrepresented in legal caseloads while underserved by community services and agencies.<sup>59</sup>

George Stinney, Jr. was 14 years old when he was executed by the state in 1944. The straps of the electric chair were too big for his small body and he sat on a stack of books to be electrocuted. Accused of killing two white girls, George was arrested and interrogated alone, without his parents and without an attorney. A sheriff’s claim to an unsubstantiated confession was the only evidence presented at his trial. An all-white jury convicted him within 10 minutes, and it took a full 70 years after his death for him to finally be exonerated.<sup>60</sup> Facts in the case prompted a new hearing in which his surviving siblings testified and the state argued that the conviction should stand.<sup>61</sup> In 2014, Circuit Court Judge Carmen Mullen vacated the conviction, writing “I can think of no greater injustice.”<sup>62</sup>

## Inequities at Every Stage

A closer look at North Carolina’s criminal legal system data shows alarming racial disparities at each stage of the process. A recent study found that **Black, Latine and Indigenous youth are disproportionately represented at each processing point of the juvenile criminal legal system in North Carolina** and that these disparities are most stark at the beginning of the process (complaints) and within the deepest well (youth confinement). The study also confirmed that the disparities are most severe for Black youth, though less extreme disparities also exist for Latine and Indigenous youth.<sup>63</sup>

Regionally, Wake and Mecklenburg counties exhibited higher disproportionality for Black youth than the state as a whole regarding complaints received and secure detention. In 2018, Mecklenburg, Guilford, Cumberland, Pitt, and Forsyth (in order from greatest to least) counties accounted for 47.8% of all state YDC commitments, and 90.7% of the youths incarcerated from these counties were Black. Mecklenburg County accounted for about 20% of statewide commitments by itself, and 40 of the 41 youth committed to YDCs from this county were Black. Robeson County, home to Lumbee Tribe, has the largest number of Indigenous youth in the state, and RRIs (the ratio of Indigenous youth compared to white youth at a specific stage in the process) for use of secure detention was much higher for Indigenous youth in this county than in the rest of the state.<sup>64</sup>

## Inequities at Every Stage: School referrals

Although school-based referral rates dropped in 2020 due to COVID-19 keeping



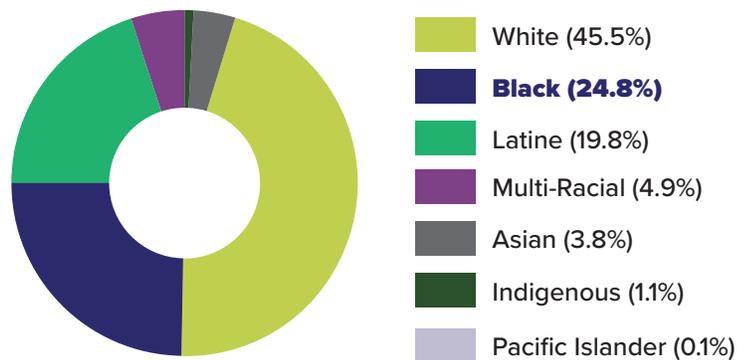


students out of the classroom,<sup>65</sup> **Black students represented almost half (49%) of all school-based complaints in North Carolina during the school year 2019-2020—despite representing only 25% of statewide student enrollment.** In

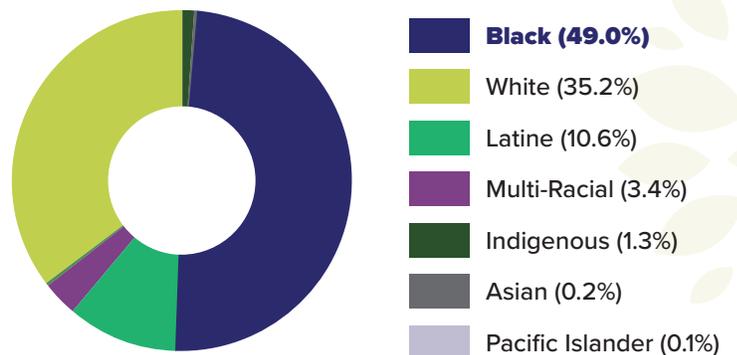
contrast, white students represented 35% of all school-based complaints despite representing 46% of statewide student enrollment (see figure 1).<sup>66</sup> Similarly, during the prior school year, Black students

**Fig 1: Although school-based complaints dropped due to school closings in 2019-2020, Black students remained overrepresented in these complaints**

**Percentage of Students in District by Race**  
North Carolina, School Year 2019-2020



**Percentage of School-Based Complaints by Race**  
North Carolina, School Year 2019-2020



Source: Southern Coalition for Social Justice, Racial Equity Report Card, 2019-2020

represented 48% of school-based complaints, while representing 25% of enrollment.<sup>67</sup>

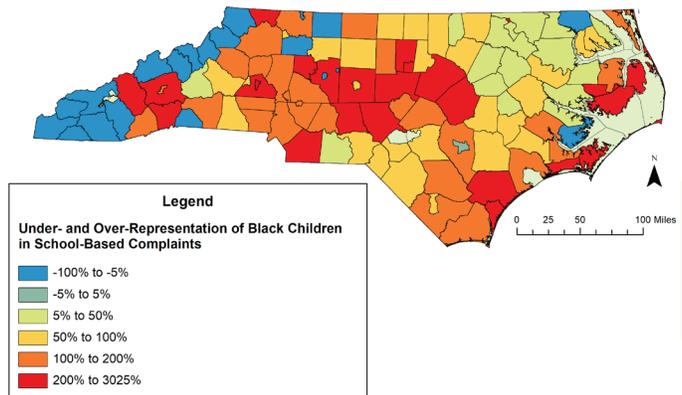
**A closer look at the district level shows over-representation of Black children in 81.74% of the districts (94 districts out of 115),** with quite a few districts exhibiting severe overrepresentation. (see Figure 2).

**How to read this data:** The following maps represent percentage increases and decreases by finding the difference between percentages then dividing it by the amount of students in the school district. For example, when Latine students make up 20% of students in the school district, but 40% of school-based complaints, the difference is 100% because it is double of the initial total. If there were no difference, where Latine students make up 20% in the school district and 20% of school-based complaints, the difference is 0%.

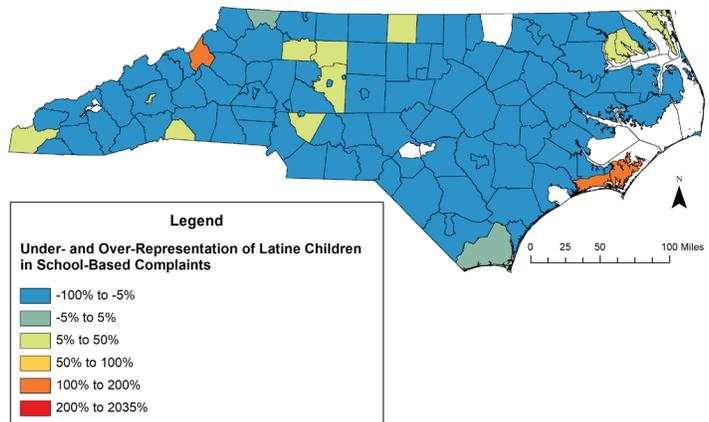
Some of the most extreme examples of overrepresentation of Black children in the school-based complaint process take place in districts with very low enrollment numbers of Black children. For instance, in Allegheny school district, 12.5% of the complaints were filed against Black children, despite the fact that Black children represent only 0.4% of student enrollment -- a severe overrepresentation of 3,025%. In other districts, the percentage of complaints against Black children is much higher. In Montgomery school district, for example, the overrepresentation of Black children is 407%, but 100% of the complaints were against Black children, despite the fact that Black children represent only 19.7% of the school population.

**Fig 2: District level data points to a range of overrepresentation of Black and Latine students in school-based complaints (2019-2020)**

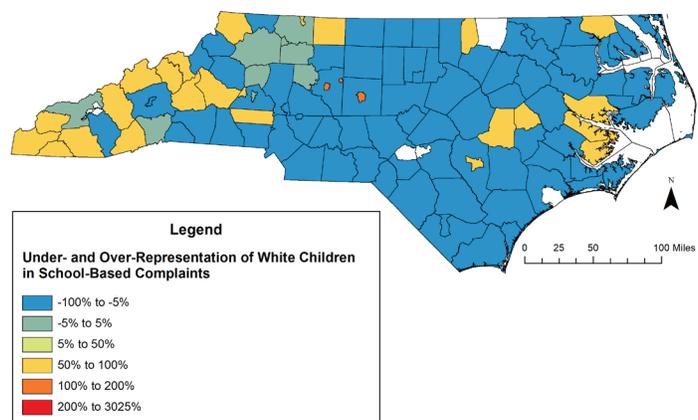
**Under- and Over-Representation of Black Children in School-Based Complaints**



**Under- and Over-Representation of Latine Children in School-Based Complaints**



**Under- and Over-Representation of White Children in School-Based Complaints**



Source: Southern Coalition for Social Justice analysis, 2019 Racial Equity Report Card data sources

While the over-representation is lower for Latine children than for Black children, Latine children are over-represented on the district level by 102% in Carteret and 144% in Avery.<sup>68</sup> See appendix for additional district-level data.

The **most common school-based complaints** in 2019—simple assault, disorderly conduct, simple affray, truancy, and communicating threats<sup>69</sup>—were for minor offenses that are subjectively defined and often age-appropriate aspects of adolescent development. Simple assault charges might be filed as a result of a school fight. “Simple affray” is a term used to describe a fight in a public place that causes others to be fearful. An example is an argument between two people that escalates with a danger that a bystander may join in. Disorderly conduct is a vague term that can include such incidents as cursing at a teacher. Each of these behaviors could and should be handled at the school level without forcing students into a system of punitive responses harming their academic, social, and mental wellbeing. Instead,

these **school-based complaints comprise a large percentage of the most common juvenile complaints overall (see Figure 3).**

**Figure 3: A large percentage of the most frequently charged juvenile offenses in 2019 stemmed from school-based complaints**

| Most frequently charged juvenile offenses (2019) | Complaints | Percentage School-Based |
|--|------------|-------------------------|
| Simple assault (misdemeanor)                     | 2812       | 64%                     |
| Larceny (misdemeanor)                            | 1273       | 24%                     |
| Disorderly conduct at school (misdemeanor)       | 1156       | 100%                    |
| Simple affray (misdemeanor)                      | 1037       | 90%                     |
| Communicating threats (misdemeanor)              | 1036       | 73%                     |
| Truant under the age of 16 (status)              | 954        | 96%                     |

Source: Analysis of North Carolina Department of Public Safety, 2019.





### History of School Policing in NC

Placing police in American schools dates back to the 1940s. The first official school resource officer positions were created in 1953 in Flint, Michigan to “improve community relations between the city’s youth and the local police department.”<sup>70</sup> After favorable media attention, cities across the country began adopting this model. The proliferation of policing Black and Latine youth in schools is contemporary with school integration efforts, as white communities argued that desegregation would bring disorder to white schools.<sup>71</sup>

School policing in North Carolina emerged under conditions of change and civil unrest in the 1970s. The *Brown v. Board of Education* decision declared that separate educational facilities were unequal and unconstitutional in 1954, yet it took nearly twenty years for North Carolina to begin desegregation.<sup>72</sup> North Carolina began the school desegregation

process in 1971 with the Supreme Court ruling in *Swann v. Charlotte-Mecklenburg Schools* allowing for desegregation through busing.<sup>73</sup> Despite the efforts of many to stifle desegregation, over 90% of North Carolina’s school system was desegregated shortly after the Supreme Court decision in 1972.<sup>74</sup>

In 1974, Forsyth County established what is now the longest- running school policing program in North Carolina.<sup>75</sup> 72 SRO programs were then rolled out on a small scale with one officer patrolling 10-11 schools throughout the state in 1995. As of 2018, there were 1,200 SROs employed in North Carolina schools.<sup>76</sup> Driven mostly by support from the state, in 1973 the N.C. Department of Justice created the N.C. Justice Academy which, for decades, has served as the supported training pathway for police to receive SRO training<sup>77</sup> — training wholly inadequate for educational settings.



## Two of Three Complaints Move to Court

In 2020, the North Carolina Department of Public Safety received and processed 30,185 complaints against 10,800 children.

### Approved For Court

5,075  
Children

66%  
Complaints



### Diverted

3,301  
Children

17%  
Complaints



### Closed

3,396  
Children

17%  
Complaints



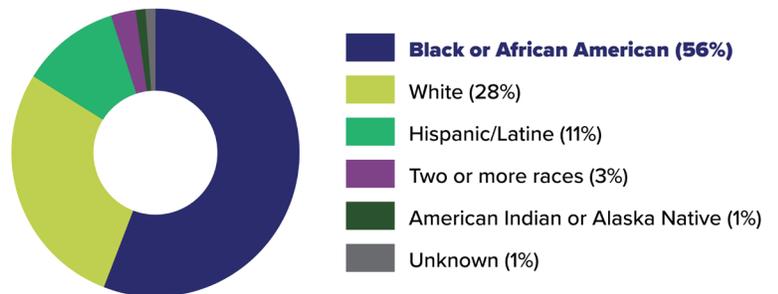
Source: North Carolina Department of Public Safety, 2020. The numbers per outcome are larger than the sum due to the fact that one child can have complaints that receive multiple outcomes over one year.

## Inequities at Every Stage: Criminal Complaints

Complaints — legal documents filed with the juvenile court alleging a child is a “juvenile delinquent” under state law or local government ordinance — are the entry point to North Carolina’s juvenile criminal legal system.<sup>78</sup> **In 2020, Black children represented approximately 23% of the youth population, but represented over half (56%) of juvenile complaints.** White children, on the other end of the spectrum, represented about 52% of the youth population in North Carolina, but only 28% of juvenile complaints.<sup>79</sup>

Figure 4: Over half of the juvenile complaints filed in 2020 were filed against Black youth

Juvenile Complaints Filed by Race, 2020



Source: North Carolina Department of Public Safety, 2020

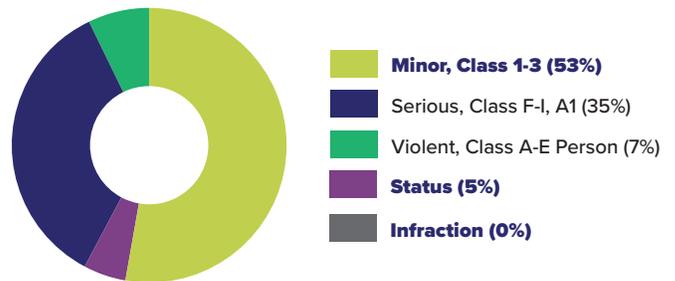
Similar to the school-based complaints, the majority of youth overall are entering the state's juvenile criminal legal system for minor offenses, and even age-appropriate behaviors. The majority (58%) of complaints received in 2020, for example, were for minor, status, or infraction offenses (see Figure 5).<sup>80</sup>

Although some complaints are dismissed or diverted, a staggering number continue to court. In 2020, 5,075 youth in North Carolina were funneled into the court system.<sup>81</sup> The previous year - in 2019 - 4,983 young people (58% of complaints) were approved for court.<sup>82</sup>

North Carolina counties with large populations, such as Mecklenburg and Wake Counties, correspond to some of the largest juvenile complaints numbers (3,012 and 1,839 respectively); however, the data show the highest rates of complaints by population in Montgomery, Jones, Perquimans, and Halifax Counties.<sup>83</sup> Notably, Perquimans and Halifax, located in Northeastern North Carolina's Black Belt, also struggle economically. Both have higher poverty rates than the state average and job growth has been stagnant — in fact, these counties are losing jobs year-over-year.<sup>84</sup>

**Figure 5: The majority of juvenile complaints (58%) received in 2020 were for infraction, minor, or status offenses.**

**Juvenile Complaints Filed by Type, 2020**

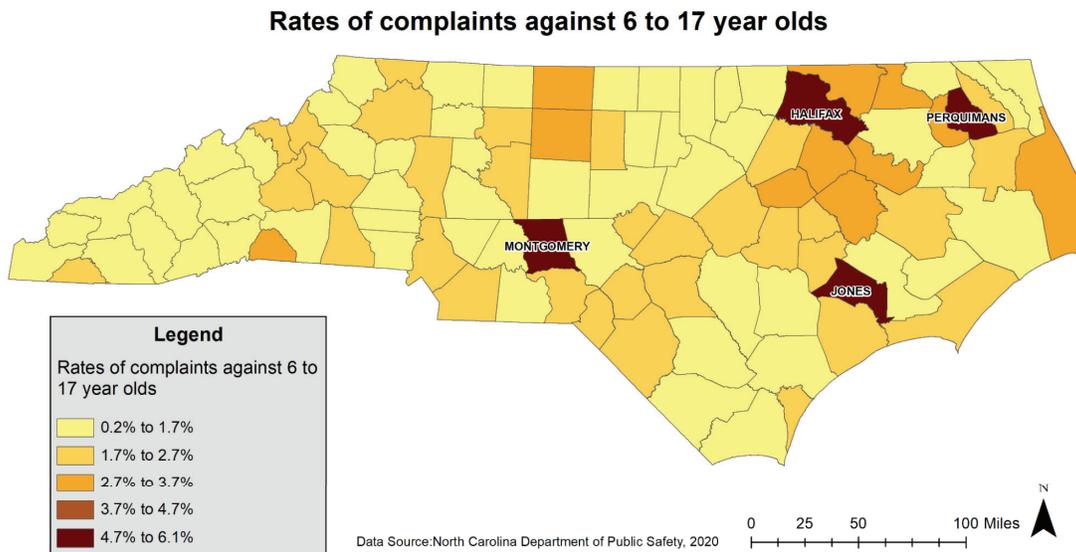


Source: North Carolina Department of Public Safety, 2020.

**Infraction** is defined as a non-criminal violation of law, punishable by up to a \$100 fine (i.e. motorcycle/moped violation, riding a bicycle/skating in a public area, etc.) (NC Gen. Stat. Chapter 14-3.1), **Status** is defined as offenses that are not crimes if committed by adults (i.e., truancy, running away from home, ungovernable). The terms "status" and "undisciplined" are interchangeable (NC Gen. Stat. Chapter 7B-1501 (27)). **Minor** Class 1 - 3 is defined as Misdemeanor classes (i.e., shoplifting, communicating threats, disorderly conduct at school, etc.) (NC Gen. Stat. Chapter 14); **Violent** Class A - E is defined as person and violent offenses (i.e., robbery, kidnapping, attempted murder, etc.) (NC Gen. Stat. Chapter 14); Serious Class F - I, A1 is defined as F-I felony class - serious property or weapons offenses; A1 misdemeanors - assault (NC Gen. Stat. Chapter 14).



**Figure 6: Rates of Complaints against 6 to 17 year olds**



### The Rise of Youth Incarceration

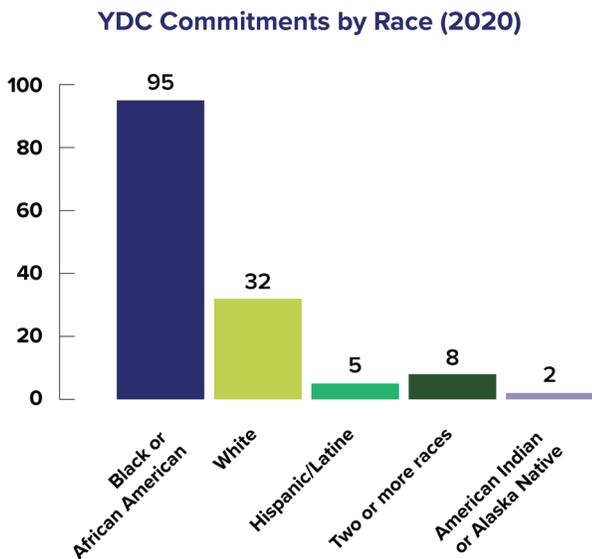
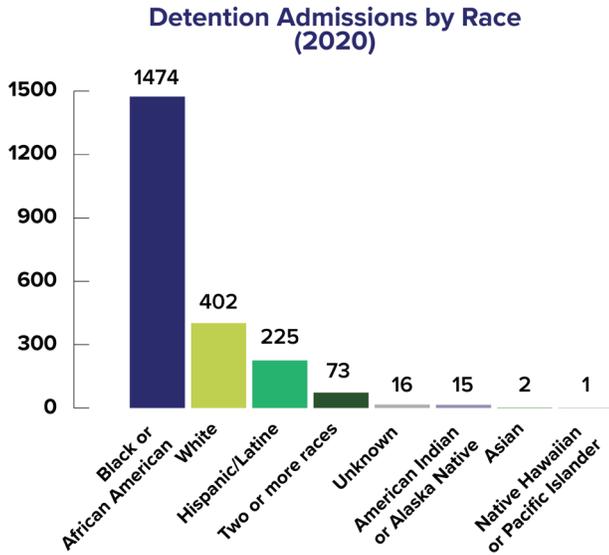
The founders of the original 19th-century youth institutions sought to instill Protestant values in primarily white children through structure and discipline, rather than as a means of punishment. However, the purpose and demographics of these institutions shifted following the Civil War. Youth detention facilities transitioned from institutions of reform for primarily white children to a means of punishment for overwhelmingly children of color, in particular Black children. Nearly half of all incarcerated youth were not placed in youth facilities at all but rather were still placed in adult detention facilities.<sup>85</sup>

### Inequities at Every Stage: Youth Confinement

In 2020, North Carolina detained 2,208 youth in juvenile detention facilities and incarcerated 142 youth in YDCs.<sup>86</sup> The average length of stay in detention centers during this time was 25 days; in youth development centers, the average stay was 14.2 months.<sup>87</sup> While the detention of children is unconscionable at all times, North Carolina detained these young people despite a global pandemic which wreaked havoc in jails, prisons, and youth detention centers.

**Black youth represented 67% of youth in long- and short-term detention in 2020, despite representing less than a quarter of the state's population.** For comparison, white youth during the same period represent 18% of detention center admissions and 23% of YDC commitments, while representing 54% of the youth population (see Figure 7).<sup>88</sup>

**Figure 7 - Black youth represented 67% of the youth placed in short- and long-term confinement, while only representing about one quarter of the state's youth population.**



### Super Predator Narrative And Anti-Blackness

The term “Superpredator” was coined in the 1980s, and popularized by Hillary Clinton during her husband’s presidency in the 1990s. Politicians, like Bill McCollum (R-FL), purposefully used loaded and coded language when referring to these youth, calling them “feral, presocial beings with no sense of right and wrong.”<sup>89</sup> He would go on to say that America would see an increase of “highly crime-prone males – teenagers from fatherless homes growing up in neighborhoods where gangs, drugs and violence are commonplace and consequences for misbehavior are almost nonexistent.”<sup>90</sup> Politicians and members of the media carefully worded superpredator rhetoric to ensure American society internalized the image of the superpredator as youth from Black and Latine communities. The resulting “tough-on-crime” policies from these media assaults targeted youth of color.<sup>91</sup> The myth that began in the 1980s bolstered harmful legislative proposals, such as those that sought to try children and teens as adults, build additional youth prisons, and codified “three-strike rules” for youth offenders.<sup>92</sup>

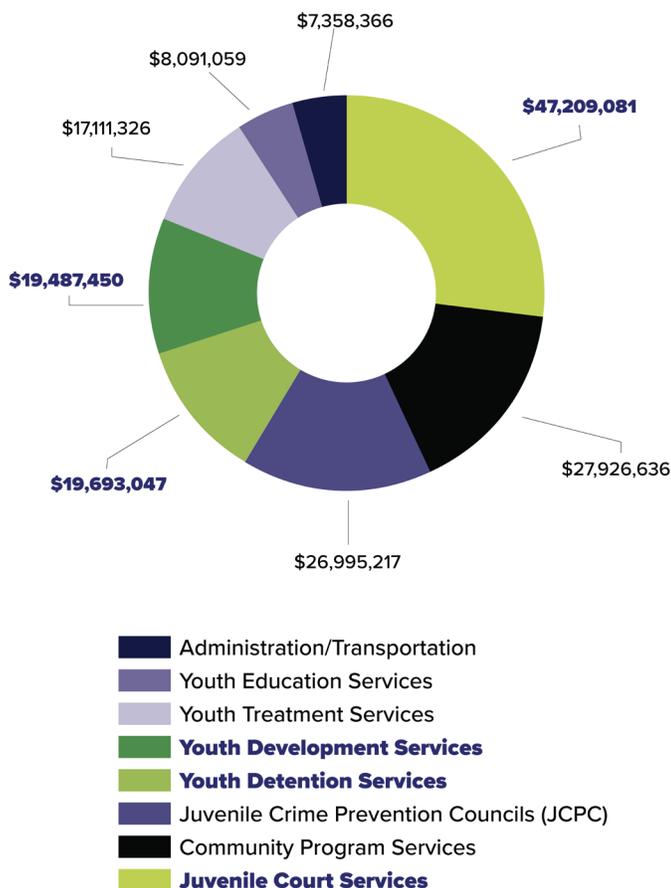
### Projection: Spoken Word by Hausson Byrd



## NORTH CAROLINA'S FINANCIAL COST FROM CRIMINALIZING YOUTH

The criminalization of youth costs North Carolina millions of dollars each year, funding a misguided, harmful, and racist system paid for by a regressive state tax system. The cost, however, is highest for our state's youth, particularly youth of color. We can't afford to keep funding a system that criminalizes our youth.

**Fig 8: The largest percentage of the \$174 million allocated to the North Carolina juvenile criminal legal system went to court services, followed by youth detention and incarceration**



## North Carolina's Total Spending on Youth Criminalization

In 2020, North Carolina spent almost **\$174 million disciplining, policing, and incarcerating our state's children.**<sup>93</sup> Figure 8 provides a breakdown of how funds were distributed in 2020.

Of the total \$174 million, **our state spent approximately \$47 million on court services and almost \$40 million to detain and incarcerate youth.** Figure 9 shows that total state appropriations to North Carolina's juvenile criminal legal system have increased over time, with the largest program increase exhibited in court services.

## Taxes and the North Carolina Budget: Who Pays?

Through individual income taxes, sales taxes, and corporate income taxes, the people and businesses of North Carolina contribute to the state budget, and in doing so, we contribute to its priorities.<sup>94</sup> Taxes are essential for supporting thriving communities, and budget allocations should reflect our values. It's important to note, however, that we don't all contribute equally.

The vast majority of state tax systems in the U.S. are upside-down by design, requiring low-income taxpayers to pay a higher share of their income than high-income taxpayers.<sup>95</sup> Tax systems that rely on the

Source: North Carolina Department of Public Safety, 2020. The largest percentage of the total appropriations were allocated to court services at over \$47 million, consistently the largest percentage of the system funding allocation over time. The next largest budget allocation (a combined \$40 million) is allotted to youth detention, specifically the two types of "secure commitment centers for youth." In contrast, only 16%, or \$27 million, is allocated to Juvenile Crime Prevention Councils (JCPC).



lowest-income earners to pay the largest proportion of their income in local and state taxes are inequitable. North Carolina's state tax code is no exception – a recent state comparison places it at 31st most regressive in the country.<sup>96</sup> Regressive tax structures place a disproportionate burden on communities of color. Our history of racism in public policy stretching from redlining to predatory lending to mass incarceration guarantees communities of color are overrepresented as low-income tax filers.<sup>97</sup>

### North Carolina's Spending on Youth Incarceration

Youth incarceration has proven to be not only ineffective at delivering on public safety promises, but also a source of severe immediate and long-term harms to impacted youth, their families, and communities. Despite this evidence, in 40 states across the country, taxpayers spend at least \$100,000 annually for each child's confinement.<sup>98</sup> North Carolina is no exception, spending over **\$26 million** in FY 2019-2020 to incarcerate 169 youth across YDCs, translating to a cost of **\$156,000 per child** per year, an average cost of about **\$106,00 per bed** (see figure 10).<sup>99</sup>

**Figure 9: Over the last six years, total state appropriations to the North Carolina's juvenile justice system have steadily increased**

| Fiscal Year | Total State Appropriations | Total Increase from Year Before | Total Increase from 2015-2020 |
|-------------|----------------------------|---------------------------------|-------------------------------|
| 2020-2021   | \$177,098,672              | ↑\$13,096,930                   | <b>↑37.5%</b>                 |
| 2019-2020   | \$164,001,742              | ↑\$30,999,000                   |                               |
| 2018-2019   | \$133,002,742              | ↑\$1,909,150                    |                               |
| 2017-2018   | \$131,093,592              | ↑\$2,315,165                    |                               |
| 2016-2017   | \$128,778,427              | \$0                             |                               |
| 2015-2016   | \$128,778,427              | ↑\$1,369,522                    |                               |

Source for dollar amounts: North Carolina Office of State Budget Management, 2020a, 2020b. Note that there is a slight discrepancy in the numbers reported by this office, and those reported by the Juvenile Justice Program's Annual Reports. The largest year-by-year increase was between FY18-19 and FY19-20, accompanying the implementation on December 1, 2019 of the "Raise the Age" initiative which extended juvenile jurisdiction to 16 and 17 year olds. The additional funding primarily went toward youth detention centers, Community Program Services, Juvenile Crime Prevention Councils, and Juvenile Court Services.

**Figure 10: North Carolina spent over \$26 million to incarcerate 169 youth in FY 2019-2020.**

**FY 2019-2020**

**10a: Per bed daily population cost**

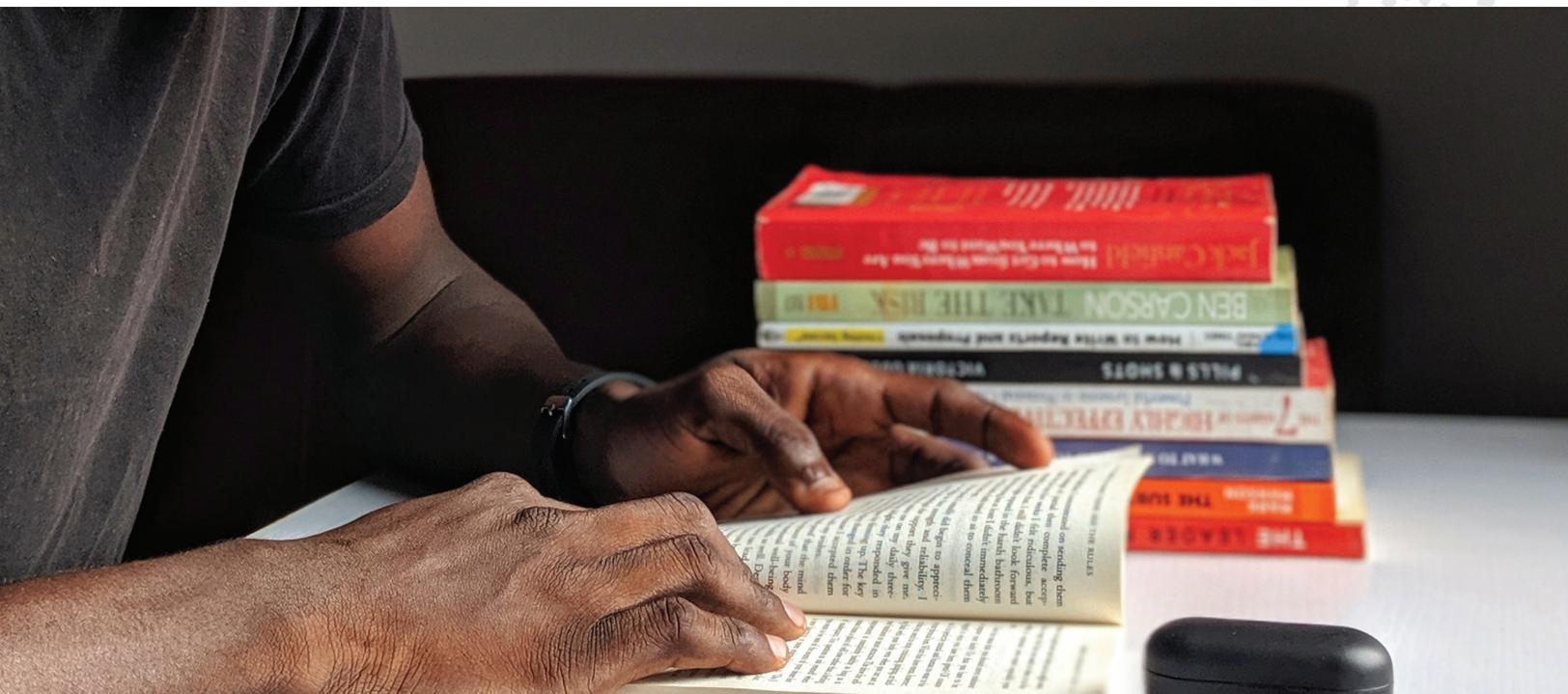
| Facility     | Number of Beds | Personnel-Related Expenses | Non-Personnel Expenses | Total Expenses         | Cost Per- Bed       |
|--------------|----------------|----------------------------|------------------------|------------------------|---------------------|
| Cabarrus     | 128            | \$11,607,201.60            | \$1,351,619.87         | \$12,958,821.47        | \$101,240.79        |
| Chatham      | 32             | \$4,004,84.00              | \$441,170.32           | \$4,445,254.32         | \$138,914.20        |
| Edgecombe    | 44             | \$3,882,522.73             | \$506,353.64           | \$4,388,876.37         | \$99,747.19         |
| Lenoir       | 44             | \$3,886,390.82             | \$686,565.76           | \$4,572,956.58         | \$103,930.83        |
| <b>Total</b> | <b>248</b>     | <b>\$23,380,199.15</b>     | <b>\$2,985,709.59</b>  | <b>\$26,365,908.74</b> | <b>\$106,314.15</b> |

**FY 2019-2020**

**10b: Average daily population cost**

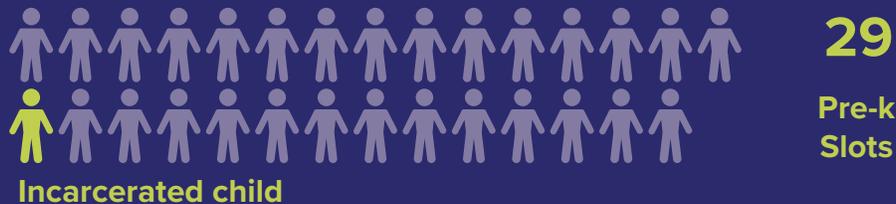
| Facility     | ADP          | Personnel-Related Expenses | Non-Personnel Expenses | Total Expenses         | Cost Per- ADP       |
|--------------|--------------|----------------------------|------------------------|------------------------|---------------------|
| Cabarrus     | 87.2         | \$11,607,201.60            | \$1,352,619.87         | \$12,958,821.47        | \$148,610.34        |
| Chatham      | 27.5         | \$4,004,084.00             | \$441,170.32           | \$4,445,254.32         | \$161,645.61        |
| Edgecomb     | 28.3         | \$3,882,522.73             | \$506,353.64           | \$4,388,876.37         | \$155,083.97        |
| Lenoir       | 26.2         | \$3,886,390.82             | \$686,565.76           | \$4,572,956.58         | \$174,540.33        |
| <b>Total</b> | <b>169.3</b> | <b>\$23,280,199.15</b>     | <b>\$2,985,709.59</b>  | <b>\$26,365,908.74</b> | <b>\$155,734.84</b> |

Source: North Carolina Department of Public Safety, 2020. While the average daily population across the four facilities was lower in FY 2019-2020 due to COVID-19, the operating cost remained the same<sup>96</sup>



# North Carolina's spending on youth incarceration compared to spending on youth education

North Carolina spent 29 times as much to incarcerate one child than to fund a Pre-K slot for a child in 2019-2020.<sup>97</sup>



The same year, North Carolina spent almost 15 times as much to incarcerate one child than to educate a student enrolled in the state's K-12 public school.<sup>98</sup>



For the cost of incarcerating one youth for one year (\$155,734), North Carolina could cover the cost of in-state tuition and fees for 23 students for one year.<sup>99</sup>



## INVEST IN OUR CHILDREN, INVEST IN OUR YOUTH: A MENU OF PRINCIPLES, PROGRAMS, AND POLICIES

The short- and long-term impacts of contact with the criminal punishment system and youth incarceration are well documented and extend much beyond the fiscal cost. By realigning public spending with community priorities and investing in youth supports, preventative resources, and community-led alternatives to youth criminalization, we can prioritize the healthy development of our community's young people with a strength-based approach grounded in dignity, respect, and support.

### 1. Build power through community-led, participatory programs and processes

Over the last three decades, local, state, and national government budgets have increased spending on criminalization while cutting investments designed to nourish and stabilize local infrastructure in Black, Latine, and Indigenous communities. Acknowledging and addressing the harm of purposeful divestment from communities must be paired with meaningful investments in these communities, as **determined by** these communities.<sup>103</sup>

#### Invest in Community-Led Prevention and Public Safety Initiatives

Research has shown both the positive public safety and community health results of investing in local support systems outside of corrections and law enforcement. Directing

public resources to these community-led initiatives allows for targeted interventions and programs that meet community-identified priorities.<sup>104</sup> In addition, by working with communities to develop their own public safety strategies, community-based organizations can shift resources and power back to communities grappling with the realities of criminalization. Community-driven public safety initiatives are growing across the country through a variety of funding models, which includes direct divestment from the criminal punishment system.<sup>105</sup>

**Police-Free Schools.** To foster a truly safe learning environment, our schools must be police-free. Schools exacerbate the school-to-prison pipeline when they employ school resource officers ("SROs"). While purported to protect the student population, SROs create stressful and distracting environments, while surveilling and criminalizing normal youth behavior. School policing disproportionately affects students of color, students with disabilities, immigrant students, and LGBTQIA students.<sup>106</sup>

#### Community-led Solutions:

- **She Safe, We Safe** is a transformative movement campaign that grew out of BYP 100 - a national member-led organization of 18-35-year-old organizers and activists creating justice and freedom for all Black people. The goal of She Safe, We Safe is to divest from police and invest in community-determined programs that address gender-based violence impacting women, girls, femmes, and gender non-conforming people in Black communities.



- **Durham Beyond Policing (DBP)** is a grassroots coalition that came together in 2016 to give voice to community members opposed to the investment of \$70 million tax dollars to build a new police headquarters in Durham. The campaign aims to divest from policing and prisons and reinvest municipal resources into supporting the health and wellbeing of Black and Latine communities, benefiting all community members in Durham. In 2020, DBP successfully organized for a community-led safety and wellness taskforce.<sup>107</sup>
- **Harm Free Zone** grew out of SpiritHouse Inc, a Durham based multigenerational Black women-led cultural organizing effort working with other local organizations to uncover practices that lift up alternative models to prison. For over a decade, the campaign has engaged community members in Durham and across the South to develop a shared understanding of systemic barriers and to support a community-centered vision that works toward repairing the damage of racism and oppression by offering tools and trainings to prevent and transform harm.
- **Emancipate NC** supports North Carolinians as they free themselves from mass incarceration and structural racism. Through its Justice League, Emancipate NC supports people who have been justice-involved through a paid organizing fellowship. The fellowship is designed to support advocacy and organizing skills and to deploy those skills within active campaigns.
- **Ready the Ground Training Team (RGTT)** serves North Carolina's movement with trainings in revolutionary nonviolence and marshaling. Marshals help events go well by welcoming participants, offering reliable information, embodying the desired tone, and intervening in cases of trouble. RGTT defines trouble as things that interfere with the event's smooth operation or the clarity of its message.

## **Promote Participatory Budgeting and Utilize Participatory Action Research (PAR):**

**Participatory Budgeting** is a community-level approach to public spending that empowers local community members to make decisions about public budget spending priorities. Originally developed and implemented in Brazil in 1989, the approach has made its way to localities in the U.S. over the last few decades. Models have ranged from participatory budgeting for federal community development funds in Oakland to a youth-only process in Boston.<sup>108</sup> In North Carolina, both Durham and Greensboro have now implemented participatory budgeting.

**Participatory Action Research (PAR)** is a research approach that redefines who has the expertise to produce knowledge and honors affected communities as the experts throughout the research process. The information that informs governmental decision-making is often gathered, analyzed, and presented absent impacted communities. Acknowledging and addressing power dynamics in the research process is critical to the creation of equitable policies. PAR engages with communities at all levels of the research process and strategy development, and generates findings that provide meaningful insights and resources to communities.

### **Community-led Solutions:**

**Participatory Budgeting in Durham** In 2018, the Durham City Council approved a participatory budgeting process with \$2.4 million in funding. Each of the City Council wards were awarded up to \$800,000 for

residents age 13 or older to make decisions around one-time projects in the community. Since its launch, over 10,000 residents and students have participated in the process, and community-reviewed projects from the first cycle of the process are currently being implemented. In response to community feedback, the scope of the second cycle has shifted to support social and economic programs in the wake of the pandemic.

PB Durham formed a grant program for Durham-based nonprofits and community organizations offering COVID-19 relief assistance. To do this, the City Council approved \$1 million for organizations directly serving communities most adversely impacted by the current pandemic as well as organizations addressing issues contributing to racial, economic, and social inequities in Durham. More than 60 Durham-connected nonprofits and community organizations submitted grant applications to PB Durham to request funding. Those 60 applications were narrowed down to 31 grant proposals, and residents 13 years and older were invited to vote to select the winning organizations to implement their projects over the next two fiscal years. The nonprofits and community organizations with the most votes were eligible to receive up to \$50,000 in grant funding through this program. After a month-long voting process, residents selected 22 Durham-connected non-profits to provide services in response to the pandemic.

**Durham Youth Listening Project:** The City of Durham Office on Youth launched the Youth Listening Project in 2019 to hear from Durham's young people about their needs and dreams, and their thoughts on the resources

in their communities. The office worked in partnership with youth ambassadors, community partners, and consultants to host listening sessions and do deep community engagement. The project's final report of recommendations serves as a guide for resource allocation and action, and reflects the perspectives of hundreds of young people, their caregivers, and community members who work with and support youth.

## **2. Support Youth Wellness**

Youth heal in loving communities, not courtrooms and cages. Young people in North Carolina deserve comprehensive mental health support from birth to adulthood. This involves parental support through doulas and infant-toddler programs, access to universal Pre-K, and early intervention through mental health services and adverse childhood experiences (ACES) screenings. As North Carolina children enter schools and prepare for college, they deserve supportive learning environments without police harassment and exclusionary discipline.

### **Provide Maternal Mental Health Support**

Maternal mental health services and early prenatal care should begin well before a child is born. This can be the difference between life and death for the youngest North Carolinians. According to the 2021 NC Child Health Report Card, African-American or Black babies in North Carolina are more than twice as likely to die before their first birthday as compared to white babies.<sup>109</sup> Doulas and supportive newborn services that provide guidance and emotional support to birthing and new parents, can





play a significant role in improving infant and maternal health and mitigating medical racism and the criminalization of Black mothers dealing with postpartum depression.

#### **Community-Led Solutions:**

**Equity Before Birth** helps Black women in the Triangle region connect with doulas and provides financial support to birthing parents. In the absence of paid leave policies, the organization supplements income and covers the cost of essential services and supports for Black moms, birthing people, and their infants.

**MAAME Doula Collective** trains doulas to serve and empower Black, Indigenous, and other Birthing People of Color and offers resources, services, and support for holistic health. Maame fills the vital gap for people who are not eligible for public support and not able to afford these services privately.

**Family Connects** is an evidence-based model connecting families of newborns to community-based care and resources through universal postpartum nurse home visiting. Research on the model has shown many positive outcomes for families, including: safer home environments; increased positive parenting behaviors;

decreased postpartum depression and anxiety; and decreased number of investigations for child maltreatment. Family Connects International, based in North Carolina, supports communities across the U.S. to implement the model.

#### **Offer Early Childhood Mental Health Support and Social and Emotional Learning**

From early childhood, Black children are criminalized for age-appropriate behavior. In North Carolina, during the 2017-2018 school year, 48% of preschool children who received one out-of-school suspension were Black. Among preschool children who were suspended more than once, 64.5% were Black.<sup>110</sup> Suspending Black preschool children for child-appropriate temper tantrums initiates the school-to-prison pipeline while failing to address the root causes of emotional distress.<sup>111</sup> This is why universal pre-kindergarten (Pre-K) must have on-site school psychologists.<sup>112</sup> Universal Pre-K should also provide social and emotional learning (SEL), mindfulness training, and mental health education while eliminating suspensions. This is vital to promoting healthy self-management of

emotions, identifying trauma responses, and preventing contact with law enforcement.<sup>113</sup>

Instead of criminalizing youth who lack prosocial behavior due to trauma, disabilities, or mental health conditions, school staff should proactively use SEL and mental health interventions. Including SEL in public school curriculum would lead to improved student behavior and more appropriate reactions from students and teachers when misbehavior inevitably occurs. If these changes are implemented, all children entering middle and high school would have the emotional and mental health training to support themselves and others. When mental health problems arise, school psychologists, and not police officers, would intervene.

#### **Community-led Solutions:**

**Social/Emotional Interventions for Young Children** (SecurePath) is a comprehensive mental health service for young children in Wake County that is provided at the child's home or preschool. North Carolina should invest in replicating the SecurePath program model so that young children from birth to age 5 across the state can access home-based mental health services that address social, emotional, or developmental challenges.

**SAFEChild** - Stop Abuse For Every Child – supports families to nurture thriving children.

Each year, SAFEChild protects 13,000 children, empowers 1,650 parents through education and support programs, and guides 12,000 Wake County first graders through the school-based Funny Tummy Feelings program. SAFEChild screens for adverse childhood experiences (ACES)

that can identify the need for parenting classes and child abuse prevention.

**Emerge Pediatric Therapy**, which provides children with various therapeutic services, should also receive investment to serve more children on Medicaid. Through their services, Emerge Pediatric Therapy helps children develop and advance their social and communication skills and sensory and emotional regulation skills so that they and their families can thrive. Black children, including those with disabilities, deserve resources that help them self-soothe and reclaim agency over their bodies when they are in distress.

#### **Ensure School-Based Mental Health Support**

Criminalizing Black and Latine youth while providing little to no mental health care can have dangerous consequences. **Almost 10% of Black North Carolina high school students reported in 2019 that they attempted suicide in the past year. For Latine students, this number was 15.4%.<sup>114</sup> Despite these alarming statistics, North Carolina schools are experiencing a shortage of school psychologists – with a ratio of one school psychologist to roughly 1,800 students.<sup>115</sup>**

The recommended ratio, endorsed by the National Association of School Psychologists, is one school psychologist (if not more) for every 500 students.<sup>116</sup>

Implementing school-based mental health services is essential to repairing the psychological harm of criminalizing students for their identity. Targeting and incarcerating students negatively impacts their mental health and increases the risk of future contact



with the criminal legal system, which only creates additional psychological trauma. Youth are six times more likely to complete evidence-based treatment at school compared to other community settings.<sup>117</sup> Without police, schools can be therapeutic spaces.

To effectively provide school-based mental health support district-wide, North Carolina must follow the demands of students who want comprehensive school mental health systems (CSMHS)<sup>118</sup> and greater choice of the care they receive. Youth in North Carolina have expressed a desire for:

- On-site, fully staffed mental health spaces at every school
- Culturally competent mental health professionals trained in student-centered, trauma-informed care and other treatment modalities that affirm the identities of marginalized students, including those in Black, Latine, Asian, LGBTQIA+ and gender non-binary communities<sup>119</sup>
- After-hours availability
- Student-choice of mental health professionals and treatment plan<sup>120</sup>

**Counselors not cops.** Law enforcement officers do not have training in developmental psychology or treatment modalities tailored to marginalized communities. North Carolina school resource officers may have just 12 hours of adolescent mental health training compared to the years of study that school psychologists have.<sup>121</sup> The assumption that law enforcement officers can serve as de facto therapists is rooted in the false assumption

that under-sourced schools are safe as long as Black and Latine students are policed.

### **Community-Led Solutions:**

**Recenter @ Riverside** is a pilot program by Rebound Alternatives at Riverside High School in Durham, NC rooted in the belief that in order to avoid suspensions, students must be fully supported.<sup>122</sup> Recenter is staffed by a licensed clinical social worker associate who provides counseling and referrals for mental health assessments. Students can go to Recenter for both conflict resolution and restorative circles. Recenter also offers support for students returning from out-of-school suspension and advises teachers on implementing restorative practices.<sup>123</sup>

### **Provide Out-of-School Psychiatric Emergency Care**

When mental health services are offered to students, these programs must be disconnected from carceral systems that criminalize mental health challenges, trauma, and poverty. Mandated reporting should be directed to organizations that keep marginalized communities safe through mutual aid, police-free crisis support, and healing justice holistically responding to generational trauma and violence through collective practices.

### **Community-Led Solutions:**

**Time Out Youth (TOY)**: offers supportive resources - including temporary housing, laundry services, and food delivery services—and clinical services to LGBTQIA+ identified youth ages 13–20. TOY also provides LGBTQIA+ affirming therapy

sessions. 56 youth received 700 free sessions in 2020.<sup>124</sup> TOY reports that youth who received these sessions reported a decrease in depression, anxiety, and isolation.<sup>125</sup> CSMHS programs are more effective when they funnel students towards healing, not harm.

### **Disrupt the School-to-Foster Care Pipeline**

In order to disrupt the school-to-prison pipeline, we must also disrupt the school-to-foster care and the school-to-hospitalization pipeline.

In 2019, almost 1 in 3 foster care children in North Carolina were Black.<sup>126</sup> School police officers are the main drivers that funnel Black children from the classroom to the child welfare system. School police are an extension of child welfare surveillance because they use mandated reporting laws to justify child welfare investigations.<sup>127</sup> The disproportionate use of police-initiated child welfare involvement is a major reason why almost half of all Black children will experience a child welfare investigation before turning 18.<sup>128</sup>

Abrupt, unstable child welfare placements can lead to criminalization. Youth who are placed in group homes are two and a half times more likely than even youth in foster care families to be involved with the criminal punishment system.<sup>129</sup> Replacing school police with culturally competent school psychologists as mandated reporters can significantly decrease the number of Black children needlessly entering foster care, and ultimately, courts and cages.

### Community-led Solutions:

**Youth Villages**, a national organization that uses MST, reports that youth have reduced contact with law enforcement while staying in their homes. In order to make this program more sustainable, North Carolina should invest in Youth Villages to continue the ability to have reduced caseloads for therapists who often drive across the state with extensive paperwork requirements. Organizations like Youth Villages also need investment to ensure the recruitment, hiring, and training of therapists who come from the same marginalized communities to which youth belong. Youth should see a reflection of themselves in both their treatment and mental health professionals.

## 3. Restore and Transform Justice at the Community Level

Restorative justice is a framework grounded in the values of showing respect, taking responsibility, strengthening relationships, and valuing people beyond mistakes, all while rejecting the involvement of punitive systems. It brings together those who received the harm and those who enacted the harm and community members to address the harm caused by the offenders and decide, as a community, how to repair that harm.

Transformative justice complements restorative justice practices and focuses not only on the individuals involved, but also on the systems and structures generating harm. Communities practicing transformative justice look for ways to create support systems outside of the police and the criminal punishment system. **Restorative justice**

**aims to heal the harm that has already occurred, and transformative justice aims to prevent future harm.**<sup>130</sup> When implemented appropriately, this framework results in better outcomes for individuals and communities.<sup>131</sup>

**Racial inequities in discipline.** Although North Carolina has ended harmful “zero tolerance” disciplinary policies, the data continues to show alarming racial disparities in student discipline rates.<sup>132</sup> Black students experience out-of-school suspensions and in-school-suspensions at nearly twice the rate of the state average.<sup>133</sup> In addition to receiving the highest number of disciplinary actions, Black students also receive the longest suspension terms in North Carolina. In the 2018-2019 school year, Black students were four times as likely as their white counterparts to receive short-term suspensions.<sup>134</sup> Exclusionary discipline policies have created a pervasive, negative impact on students of color and their educational outcomes.

### Community-led Solutions:

**Harm Free Zone Transformative Justice Training**, hosted by Spirit House, fosters grassroots leadership in the Durham community. Through a popular education curriculum that infuses art, culture, and history, participants collectively develop tools and strategies to confront and transform harm.

**Student U** empowers first-generation college students in Durham Public Schools, their families, and educators through a commitment to supporting student and family-led advocacy and change efforts. Student U believes in operating with a restorative mindset, a



concept rooted in showing respect, building community, and taking accountability when a harm has occurred in the community. Student U shares a restorative practices framework and offers training on leading restorative conversations and repairing harm circles.

#### **4. Build on Strengths and Promote Positive Youth Development**

Rather than focusing on fixing problems, positive youth development frameworks build on young people's strengths and use a comprehensive approach centering on young people's experiences including education, art, and leadership development. Culturally relevant and accessible extracurricular activities are designed to speak to a youth's personal and cultural strengths. To achieve this goal, staff must co-create the activity with adolescents and place the voices of adolescents, families, and the communities at the center of programming.

#### **Community-led Solutions:**

**Village of Wisdom** supports family organizing and advocacy entities working to eliminate racial injustice in schools by developing tools and resources that help parents, teachers, and students create ideal learning environments for Black and Latine learners.

**we are** provides anti-racism training for children, families, and educators. They use a three-pronged approach to dismantle systemic racism in education and beyond by offering summer camps for kids in rising 1st-5th grade, professional development for educators, and workshops for those who are parenting.

**Jóvenes Líderes en Acción** is an El Centro Hispano initiative to support and provide resources to Latine youth and their families and caregivers. The program creates opportunities for academic advancement and individual growth. The program is free for students as they begin high school and continues until their second year of college.

## 5. Enact Equitable Public Policies That Support Youth, Their Families, and Their Communities

Children do not live in a vacuum. Because of racist and classist public policies and practices, economic prosperity and opportunity are unequally shared. Supporting families with access to necessities such as quality housing, employment, and healthcare is essential to supporting our state's youth. The following are essential policies necessary to providing opportunity for all. This list is not exhaustive, but provides options to help ensure that our children and their families—all of our children and families in North Carolina—have access to opportunity.

- **Fully and equitably fund North Carolina's public schools:** Pursuant to a Consent Order resulting from the pivotal *Leandro* cases, North Carolina must establish a “finance system that provides adequate, equitable, and predictable funding to school districts and, importantly, adequate resources to address the needs of all North Carolina school and students, especially at-risk-students.”<sup>135</sup> To date, this requirement has not been fulfilled and North Carolina's public schools remain inadequately and inequitably funded.<sup>136</sup>
- **Provide access to universal Pre-K for all children:** North Carolina's Pre-K program is one of only five in the nation to meet the benchmarks for a quality, cost-effective program, yet the promise of accessible, quality early childcare and universal Pre-K for all North Carolina's children is thwarted by state underinvestment. Despite

increased demand, approximately 7,000 children remain on the waitlist each year.

- **Build an affordable, accessible, and quality child care infrastructure:** North Carolina families with young children pay approximately 25% of their income in child care costs.<sup>137</sup> In addition, 42% of children under the age of five in North Carolina live in communities where there are too few child care slots for the number of children needing care.<sup>138</sup> North Carolina does provide a child care subsidy program, but it is underfunded and its funds are inequitably allocated within the system and around the state.<sup>139</sup>
- **Ensure healthcare for all:** North Carolina has one of the highest uninsured rates in the country and is one of only twelve states that has failed to expand Medicaid coverage. Healthcare should not be a privilege of the wealthy. Our state needs to implement policies making healthcare available to all individuals.<sup>140</sup>
- **Enact federal and state paid family and medical leave policies:** The benefits of paid family leave include contributions to new children's health development, improved maternal physical and mental health, increasing a father's involvement, and enhancing the family's financial security. Although there has been movement in other states, there is currently no federal or North Carolina requirement that employees receive any amount of paid family leave.<sup>141</sup>
- **Raise North Carolina's wage to a living wage:** Research has shown the multitude of benefits of raising the minimum wage,

including a decrease in poverty rates, progress towards closing the racial and gender wealth gap, improved mental and physical health, and a decrease in child neglect.<sup>142</sup> North Carolina's minimum wage has been stuck at the federal level of \$7.25 for over a decade, equating to an annual income for a year-round, full-time worker of approximately \$15,080, just above the poverty line for a single individual.<sup>143</sup>

- **Increase funding for affordable housing:** North Carolina currently has a shortage of over 190,000 affordable rental homes available for low-income renters.<sup>144</sup> Since 2010, average rental prices in Raleigh have increased by 57%.<sup>145</sup> There is a desperate need for more policies supporting affordable housing, including an Affordable Housing Fund, eliminating the Faircloth Amendment and funding new public housing options, comprehensive rent stabilization, and much more.
- **Provide eviction protection and diversion:** The instability caused by eviction negatively impacts children's education, health and potential future earnings.<sup>146</sup> Implementing policies that protect families with children from eviction helps prevent

the damaging impact of displacement.

- **Create a reparations fund:** Government policies and laws, such as slavery, Jim Crow segregation, racist policies like redlining, and criminal laws targeting Black Americans, have systemically denied Black Americans the opportunities to build wealth.<sup>147</sup> As of 2020, the average white family in America had roughly ten times the amount of wealth as the average Black family.<sup>148</sup> Black Americans have yet to receive any form of reparations for the state-sanctioned violence and discrimination that has denied them the opportunity to build familial wealth.<sup>149</sup> Aside from the economic benefits of reparations, a fund would also initiate much needed reckoning with our nation's past and a step towards a more understanding future.<sup>150</sup>

The psychological, emotional, and physical violence of suspensions, police harassment, and other forms of criminalization—in a context of underinvestment in communities of color—tells Black, Latine, and Indigenous children that their mental and physical wellbeing does not matter. All children deserve a loving world that holistically supports and nurtures their development.



# APPENDIX

## Rates of difference between enrollment and school-based complaints by district and race (2019-2020)

10 highest rates of difference between the percentage of Black children enrolled in the district and the percentage of school-based complaints filed against them, showing high over-representation.

| School District      | Black Students in District | Black Students SBC | Black SBC Difference Rate |
|----------------------|----------------------------|--------------------|---------------------------|
| Alleghany            | 0.40%                      | 12.50%             | 3025.00%                  |
| Dare                 | 2.10%                      | 30.00%             | 1328.57%                  |
| Buncombe             | 6.70%                      | 43.30%             | 546.27%                   |
| Catawba              | 5.40%                      | 34.60%             | 540.74%                   |
| Davidson             | 3.60%                      | 22.80%             | 533.33%                   |
| Haywood              | 1.20%                      | 6.90%              | 475.00%                   |
| Chapel Hill Carrboro | 10.90%                     | 61.10%             | 460.55%                   |
| Randolph             | 3.90%                      | 21.70%             | 456.41%                   |
| Montgomery           | 19.70%                     | 100.00%            | 407.61%                   |
| Union                | 12.10%                     | 57.70%             | 376.86%                   |



**10 highest rates of difference between the percentage of Latine children enrolled in the district and the percentage of school-based complaints filed against them, showing over-representation.**

| School District | Latine Students in District | Latine Students SBC | Latine SBC Difference Rate |
|-----------------|-----------------------------|---------------------|----------------------------|
| Avery           | 12.30%                      | 30.00%              | 143.90%                    |
| Carteret        | 9.90%                       | 20.00%              | 102.02%                    |
| Currituck       | 6.70%                       | 10.00%              | 49.25%                     |
| Edenton Chowan  | 8.40%                       | 11.50%              | 36.90%                     |
| Cherokee        | 7.10%                       | 9.50%               | 33.80%                     |
| Davidson        | 10.30%                      | 13.70%              | 33.01%                     |
| Perquimans      | 3.70%                       | 4.80%               | 29.73%                     |
| Cabarrus        | 17.90%                      | 21.30%              | 18.99%                     |
| Caswell         | 8.90%                       | 10.50%              | 17.98%                     |
| Polk            | 12.90%                      | 14.30%              | 10.85%                     |

**10 lowest rates of difference between the percentage of white children enrolled in the district and the percentage of school-based complaints filed against them, showing high under-representation.**

| School District | White Students in District | White Students SBC | White SBC Difference Rate |
|-----------------|----------------------------|--------------------|---------------------------|
| Roanoke Rapids  | 58.90%                     | 0.00%              | -100.00%                  |
| Hyde            | 50.00%                     | 0.00%              | -100.00%                  |
| Montgomery      | 38.60%                     | 0.00%              | -100.00%                  |
| Bladen          | 35.60%                     | 0.00%              | -100.00%                  |
| Bertie          | 12.20%                     | 0.00%              | -100.00%                  |
| Hertford        | 12.10%                     | 0.00%              | -100.00%                  |
| Northampton     | 10.30%                     | 0.00%              | -100.00%                  |
| Washington      | 8.00%                      | 0.00%              | -100.00%                  |
| Halifax         | 3.30%                      | 0.00%              | -100.00%                  |
| Weldon          | 2.00%                      | 0.00%              | -100.00%                  |

Source: Southern Coalition for Social Justice analysis, 2019 Racial Equity Report Card data sources.

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