

Juvenile Detention Facilities in North Carolina: Use in 1993

A Report Prepared for the
North Carolina
Administrative Office of the Courts

10-12-95
MF2

Stevens H. Clarke
Lina E. James
Karen L. Carl

154432

April 1994

Institute of Government
The University of North Carolina at Chapel Hill

154432

Juvenile Detention Facilities in North Carolina: Use in 1993

A Report Prepared for the
North Carolina
Administrative Office of the Courts

154432

U.S. Department of Justice
National Institute of Justice

This document has been reproduced exactly as received from the person or organization originating it. Points of view or opinions stated in this document are those of the authors and do not necessarily represent the official position or policies of the National Institute of Justice.

Permission to reproduce this copyrighted material in microfiche only has been granted by

Katrina W. Hunt

to the National Criminal Justice Reference Service (NCJRS).

Further reproduction outside of the NCJRS system requires permission of the copyright owner.

Stevens H. Clarke
Lina E. James
Karen L. Carl

NCJRS

MAY 24 1995

ACQUISITIONS

April 1994

Institute of Government
The University of North Carolina at Chapel Hill

THE INSTITUTE OF GOVERNMENT of The University of North Carolina at Chapel Hill is devoted to teaching, research, and consultation in state and local government.

Since 1931 the Institute has conducted schools and short courses for city, county, and state officials. Through monographs, guidebooks, bulletins, and periodicals, the research findings of the Institute are made available to public officials throughout the state.

Each day that the General Assembly is in session, the Institute's *Daily Bulletin* reports on the Assembly's activities for members of the legislature and other state and local officials who need to follow the course of legislation.

Over the years the Institute has served as the research agency for numerous study commissions of the state and local governments.

Michael R. Smith, DIRECTOR
William A. Campbell, ASSOCIATE DIRECTOR

FACULTY

Stephen Allred	Robert L. Farb	Ben F. Loeb, Jr.
A. Fleming Bell, II	Joseph S. Ferrell	Janet Mason
Frayda S. Bluestein	Cary M. Grant	Richard R. McMahon
Mark F. Botts	Milton S. Heath, Jr.	Laurie L. Mesibov
Joan G. Brannon	Cheryl Daniels Howell	David W. Owens
Anita R. Brown-Graham	Joseph E. Hunt	John Rubin
Margaret S. Carlson	Kurt J. Jenne	John L. Sanders
K. Lee Carter, Jr.	Robert P. Joyce	John L. Saxon
Stevens H. Clarke	Jeffrey S. Koeze	Roger M. Schwarz
Anne M. Dellinger (on leave)	Patricia A. Langelier	Thomas H. Thornburg
James C. Drennan (on leave)	David M. Lawrence	A. John Vogt
Richard D. Ducker	Charles D. Liner	Michael L. Williamson

© 1994

INSTITUTE OF GOVERNMENT

The University of North Carolina at Chapel Hill

This publication is printed on permanent, acid-free paper
in compliance with the North Carolina General Statutes.

Printed in the United States of America

ISBN 1-56011-228-X

Table of Contents

	Acknowledgments / iv
	Summary / v
I.	Introduction / 1
II.	Data and Methods / 3
III.	Secure Custody (Detention) Procedures / 5
	A. Types of Orders for Detention / 5
	B. Statutory Grounds for Detention / 6
IV.	District Courts' Detention of Juveniles: Offenses Charged, Procedural Context, and Criteria / 8
	A. Offenses Charged / 9
	B. Types of Detention Actions and Orders / 12
	C. Grounds for Detention Cited by Court Counselors / 14
V.	Recent Trends in Arrests, Delinquency Petitions, and Detention and Training School Populations / 17
VI.	Children Who Spend Unusually Long Periods in Detention / 20
VII.	Conclusion / 23
	Tables and Figures / 25
	Appendix / 37
	Data Collection Forms and Instructions

Acknowledgments

We are grateful for the help and advice of Dr. Laura Donnelly and Dr. LeAnn Wallace of the Research and Planning Division of the North Carolina Administrative Office of the Courts, and for the valuable suggestions of chief court counselors Larry Dix and Henry Cox and Professor Janet Mason of the Institute of Government. We appreciate the work of court counselors throughout the state who promptly provided the information needed for the study. Also, many thanks to Jack Bartle and Bonnie Radford of the Division of Youth Services of the Department of Human Resources (DHR), who provided to us, in a timely manner, well-documented and usable copies of the DHR's databases on juvenile detention facilities and training schools, and answered our many questions about the data.

Summary

This study, part of a collaborative effort by the North Carolina Administrative Office of the Courts (AOC) and Department of Human Resources (DHR) pursuant to legislation enacted in 1993, investigated the use of juvenile detention (secure custody) facilities by the state's district courts. Using data supplied by the DHR and by court counselors statewide, the study examined 3,709 instances of detention during the period January–October 1993. Five-sixths of detentions and of the utilization of detention facility space involved children charged with offenses specified in the 1993 legislation: crimes against persons and property, probation violation, and running away from home. The most commonly cited grounds for detention, in terms of utilization of detention facilities, were (1) that the child was detained pending placement, usually in training school (37 percent of utilization) and (2) that the child was charged with a felony and considered dangerous to persons or property (26 percent of utilization). Youngsters who were committed, but were awaiting admission to training school, accounted for about one-fourth of detention facility utilization.

Most children remain in detention no more than a few days, but a few remain for periods as long as a year. The few who remain for long periods account for a large share of the utilization of detention space. During the 1991–93 period, the 5 percent who stayed more than 60 days in detention used 31 percent of the space. Comments provided by court counselors suggest that they struggle to find placements other than detention and training school for children who spend long periods in detention. Often, these children either are perceived as dangerous or have emotional problems making it difficult to find other placements for them.

From 1982 to 1992, police arrests of juveniles for misconduct that would be criminal for adults increased 64 percent, and filings of delinquency petitions increased by 61 percent. Despite the growth in arrests and petitions, DHR data show that the training school population remained about 700 from 1991 to 1993, and monthly training school admissions showed no trend. But the average detention population increased by 37 percent from 1991 to 1993. Most of this growth was attributable to children who eventually were placed in training school. Although monthly admissions to detention actually declined from 1991 to 1993, an 81 percent increase in the median time spent in detention caused the detention population to increase. These findings suggest that detention may have increasingly become a *de facto* substitute for training school.

I. Introduction

North Carolina maintains twelve juvenile detention facilities throughout the state, which are used by the district courts; five are county-operated and seven are operated by the Department of Human Resources.¹ Procedures and grounds for placing juveniles in detention are explained in more detail in the next section.

The study described in this report is part of a collaborative effort² of the North Carolina Administrative Office of the Courts (AOC) and the Department of Human Resources (DHR), pursuant to the requirements of 1993 N.C. Session Laws, Chapter 561, § 87:

The Department of Human Resources and the Administrative Office of the Courts shall study the issue of secure custody facilities to determine how best to ensure that only those juveniles that meet the criteria set forth in G.S. 7A-574(b) and (c) are placed in secure custody and that the secure custody facilities available are not overcrowded and are as safe as possible for all the juveniles in secure custody.

This study shall include:

- (1) An analysis of all 1993 secure custody orders, to permit an evaluation of the criteria used, and the appropriateness of the criteria, for each order;
- (2) A determination of the number of these orders made for juveniles to be adjudicated for offenses that would be crimes against the person or against property, if committed by an adult, for violation of probation, and for running away; and
- (3) An evaluation of all secure custody facilities used in 1993, including the total length of custody for each juvenile, to determine the number of juveniles in the facilities on a regular basis, and to determine the number of juveniles each facility can safely contain on a regular basis. This determination shall include an analysis of the relationship of the number of juveniles that may be safely contained at any one time in any one facility to the offenses for which these juveniles are being adjudicated.

The Department of Human Resources and the Administrative Office of the Courts shall report the results of this study to the 1993 General Assembly by May 1,

1. The twelve detention facilities are Buncombe County Juvenile Detention Center, Durham County Youth Home, Forsyth County Youth Home, Guilford County Juvenile Detention Center, Gatling Juvenile Diagnostic Center (in Mecklenburg County), New Hanover Regional Detention Center, Wake Regional Juvenile Detention Center, Cumberland Regional Juvenile Detention Center, Gaston Regional Juvenile Detention Center, Pitt Regional Juvenile Detention Center, Wilkes Regional Juvenile Detention Center, and Leonard Satellite Detention Facility (a temporary facility located in Lenoir County on the campus of the Dobbs Training School). The five county-operated facilities are those in Buncombe, Durham, Forsyth, Guilford, and Mecklenburg counties, others are state-operated. The Leonard Facility handles only juveniles transferred ("bound over") to superior court for adult trial.

2. For the official conclusions and recommendations of the AOC and DHR including the DHR's evaluation of detention facilities, see: [North Carolina] Department of Human Resources and Administrative Office of the Courts, *Final Report of the Juvenile Secure Custody Study* (Raleigh, N.C.: DHR and AOC, April 1994) [submitted to the General Assembly April 29, 1994]. The Institute of Government Library in Chapel Hill has a copy of this official report.

1994, together with any proposals that would be of benefit in ensuring the best and safest use of secure custody.

The DHR will address subsection (3) of the legislation. The AOC asked the Institute of Government to help it with subsections (1) and (2) of the legislative requirements—specifically, to analyze district court orders to commit juveniles to detention facilities during 1993. The Institute's study, the subject of this report, first addresses the questions posed by subsections (1) and (2): what criteria were used for detentions in 1993, and how often detentions were ordered in connection with violent or property crimes, probation violation, and running away from home. Then, to try to explain recent increases in the number of juveniles in detention, the study examines information on statewide trends from 1991 to 1993 in juvenile arrests, delinquency petitions, and training school and detention facility populations. The report ends with a description of cases involving long periods of detention and their contribution to total utilization of detention facilities.

II. Data and Methods

The present study examines all instances of admission to juvenile detention³ facilities from January 1 through October 31, 1993. The last two months of the year were omitted to enable the Institute to prepare this report in time for the AOC to meet its May 1 deadline of reporting to the General Assembly. Despite this omission, the inclusion of all admissions during the first ten months of the year produced an adequate amount of data for the purposes of the study.

Our study began with data from the DHR on 3,926 admissions to detention—all the admissions during the January–October period with a few exceptions.⁴ The DHR data (see the DHR Client Tracking form reproduced in the appendix to this report) include the following: the date and time of each child's admission to and release from detention; the child's name, age, sex, and other identifying information; information about the child's placement and disposition upon release; any special problems recorded during the detention; and any services received at the detention facility.

To obtain information on detention orders issued by the district courts and on offenses charged, we generated forms on each of the 3,926 admissions (see the form in the Appendix entitled "North Carolina Administrative Office of the Courts Study of Juvenile Secure Custody Orders"). Each form began with preprinted DHR information on the child's name, date of birth, sex, race, dates of admission and release, and the detention facility involved, and contained blanks for various items of information to be supplied by court counselors. If a particular child was placed in secure detention more than once during the January–October period, he or she would have a separate form printed for each discrete period of detention. The AOC distributed these forms to court counselors throughout the state and asked them to fill in the requested information and return the forms.

The AOC relied on information from court counselors because they are the court officials best informed about the circumstances of each detention. Similar to probation officers in the adult justice system, court counselors investigate juvenile cases as they are presented to the court, assist the court in reaching a disposition (analogous to a sentence in adult court), and supervise youngsters who are placed on juvenile probation or protective supervision by the court. The grounds for detentions often are noted in court counselors' records, and, even if the grounds are not recorded, the counselors are presumed to remember the circumstances in recent instances of detention.

After receiving the data forms from the court counselors, we keyed the pertinent information into a computer database. The result was a data file of 3,709 records.

3. The next section explains the difference between secure and nonsecure custody; detention is secure custody.

4. Of these 3,926 DHR records, 11 were duplicates (having the same client identification number and same date of admission) and were eliminated later. The DHR data do not include a few admissions at the temporary Leonard Facility, estimated to be 20 to 30.

This total of 3,709 was less than the 3,926 originally supplied by DHR because (1) 11 duplicate records were eliminated and (2) 206 data forms could not be completed for a variety of reasons.⁵ We believe that obtaining usable records on 94 percent of the documented admissions is more than adequate in a study of this type.

In completing the data form, court counselors were instructed to use information from their written records, their personal knowledge of each case, and from court records (kept by court clerks). The counselors were asked to indicate each type of charge against the juvenile that related to the particular instance of detention and whether the detention was connected with alleged probation violation, violation of conditional release (analogous to adult parole) from training school, or absconding from training school. The counselors also were asked to indicate each type of secure custody order issued during a particular detention period and each ground on which an order was based. Note that more than one type of order could be issued during a single period of detention—for example, an initial order followed by a later continuation order—and more than one "ground" (legally sufficient reason) could be involved.

In addition to indicating applicable charges, orders, and grounds, court counselors were asked to explain any unusual circumstances by written comments on the data form. We relied heavily on these comments in examining the few instances of detention periods exceeding 60 days (see Section VI of the report).

5. The most common reason, explaining 121 of 206 detentions recorded in DHR data for which we did not obtain court counselor data, was that the county from which the child was placed in detention could not be identified (therefore no forms were sent to court counselors). For 37 of the 206, the court counselors could find no records. For another 48, the forms either were not returned by the counselors (36 forms) or were returned too late to be included in the study (12 forms).

III. Secure Custody (Detention) Procedures

The applicable statutes⁶ provide for three types of "custody": (1) Secure custody, also known as "detention," is placement in an approved juvenile detention facility; (2) nonsecure custody includes, for example, placement in a licensed foster home or group home; and (3) temporary custody as authorized by N.C. Gen. Stat. § 7A-571, in certain situations, without a court order, a child may be placed in temporary custody by certain officials including law enforcement officers, court counselors, department of social services workers, and Division of Youth Services (training school) officials. The focus of this study is secure custody (detention). Both secure and nonsecure custody require a court order, which may be issued by a district court judge or by or a court counselor to whom the chief district judge has delegated this power. Various statutory provisions limit the periods of detention in certain circumstances.

Detention usually is used to hold a juvenile pending district court action, but the district court also may use commitment to detention *as a disposition*—i.e., as a means of treatment and confinement for a juvenile who has been adjudicated delinquent—in certain limited circumstances. N.C. Gen. Stat. § 7A-649(7) authorizes detention as a disposition on an intermittent basis for no more than five 24-hour periods. If the court decides to commit an adjudicated delinquent as a disposition, and the juvenile has been adjudicated delinquent for an offense for which an adult would be sentenced to 30 days or less, N.C. Gen. Stat. § 7A-652(c) *requires* that the commitment be to a detention facility rather than a training school.

A. Types of Orders for Detention

The statutes authorize the following types of detention orders:

- Initial detention order (a court hearing is not required but sometimes one is held)
- Continued detention order within five days of initial detention (a court hearing is required)
- Continued detention order within seven days of last previous continuation hearing (court hearing required)
- Order for detention issued after child is adjudicated delinquent, pending court's hearing on disposition
- Order for detention pending placement (usually in a state training school) of a child who has been adjudicated delinquent
- Order for detention *as a disposition*, as explained above

6. The North Carolina Juvenile Code, particularly N.C. Gen. Stat. §§ 7A-571 through -577, and § 7A-649.

B. Statutory Grounds for Detention

An order for detention may be issued on the basis of any of the following grounds provided by N.C. Gen. Stat. §§ 7A-574(b), 7A-611, and 7A-649:

- The juvenile is "presently charged with a felony, and has demonstrated that he is a danger to property or persons"
- The juvenile is "presently charged with a misdemeanor at least one element of which is assault on a person"
- The juvenile "has willfully failed to appear on a pending delinquency charge or on charges of violation of probation or conditional release" [Conditional release from training school is analogous to parole in the adult justice system.]
- "[A] delinquency charge is pending against the juvenile and there is reasonable cause to believe that the juvenile will not appear in court"
- "[T]he juvenile is an absconder from any State training school or detention facility in this or another state"
- "[T]here is reasonable cause to believe the juvenile should be detained for his own protection because the juvenile has recently suffered self-inflicted physical injury or recently attempted to do so" [In this situation, the juvenile "must have been refused admission by one appropriate hospital and the period of secure custody is limited to 24 hours to determine the need for inpatient hospitalization."]
- "[T]he juvenile is alleged to be undisciplined⁷ by virtue of his being a runaway and is found to be inappropriate for nonsecure custody placement or . . . refuses nonsecure custody and the court finds that the juvenile needs secure custody for up to 24 hours, excluding Saturdays, Sundays, and State holidays, or where circumstances require for a period not to exceed 72 hours to evaluate the juvenile's need for medical or psychiatric treatment or to facilitate reunion with his parents"
- "[T]he juvenile is alleged to be undisciplined and has willfully failed to appear in court after proper notice" [Detention in this situation is limited to 72 hours.]
- The juvenile "is alleged to have violated the conditions of his probation or conditional release [and] to have committed acts that damage property or injure persons"
- The juvenile has been adjudicated delinquent and the presiding judge finds it necessary to "order secure custody pending the dispositional

7. Undisciplined conduct by a juvenile is noncriminal conduct including running away from home, truancy, being beyond the disciplinary control of parents or guardians, and being regularly found in places where it is unlawful for a juvenile to be [N.C. Gen. Stat. § 7A-517(28)].

hearing or pending placement [usually in training school] of a delinquent juvenile pursuant to G.S. 7A-649"

- The juvenile has been adjudicated delinquent and the presiding judge decides to "[i]mpose confinement on an intermittent basis in an approved detention facility" [This type of confinement, called "detention as a disposition" in this report, is limited to five 24-hour periods to occur within 90 days of the date of disposition.]
- The juvenile has been transferred ("bound over") to superior court for trial as an adult;⁸ in this situation, the presiding judge must order detention pending pretrial release.

8. At the time of this study, such transfer was *authorized* if the juvenile was charged with a felony committed when he or she was at least fourteen, and *required* if the felony was a Class A felony (first degree murder). Effective May 1, 1994, legislation (1993 N.C. Session Laws, Extra Sess. 1994, ch. 22, Part 5) lowered the minimum age to thirteen for transfer to superior court. It also required the Legislative Research Commission's Juvenile Code Committee to study whether transfer should be mandatory in the case of juveniles who have committed certain serious offenses.

IV. District Courts' Detention of Juveniles: Offenses Charged, Procedural Context, and Criteria

This section deals with the offenses charged against children admitted to detention during the ten-month period from January through October 1993, the types of court orders issued in connection with their detention, and the grounds cited for the use of detention.

We present these data using three different units of analysis: (1) **the detention**, counting each admission as one unit, although a single child may have more than one, (2) **the individual child**, treating a child with multiple admissions as a single unit, and (3) **the child-day**, reflecting both admission and length of stay. A child-day consists of one child spending one day (24 hours) in detention. Using child-days, we can see how much various types of cases contribute to *total utilization of detention facilities*, measured in terms of total child-days spent in detention during the January–October period.

Here is an example that may help to clarify these different units: Suppose a child is admitted to detention, and then released, on three different occasions, staying four days, two days, and eleven days, respectively. In this situation we would count three detentions, one child, and 17 child-days ($17 = 4 + 2 + 11$).

Our dataset includes 3,709 detentions (admissions) during the period January through October 1993 and 2,776 individual children. The children thus had an average of 1.34 detentions during the ten-month period; 76.4 percent had only one detention, 16.4 percent had two, and the remaining 7.2 percent had from three to eight detentions (none had more than eight).

In the tables discussed in this section, we focus on detentions that occurred during the January–October 1993 period. Some of these detentions (213, or 5.7 percent, of the 3,709 detentions in 1993 on which we have data) had not ended by October 31—that is, the children had not been released by that date. In computing the number of days of each detention, we used October 31 as the ending date for the detentions that still had not ended by that date. This was done deliberately to measure the periods in detention that occurred within the January–October period, so that we could determine each detention's contribution to the total utilization of detention facility space during that period. It should be noted that our computing method understates actual detention time for detentions that began during the ten-month period but ended after October 31; especially for detentions that began late in the period, our method has

the effect of cutting them off.⁹ This procedure should have no effect on the *comparison* of detention times for different types of cases.

A. Offenses Charged

Because children often were charged with more than one type of offense during a single instance of detention,¹⁰ we used a hierarchical scheme to make the results intelligible. We assigned each detention to the first of the categories listed below that was applicable to the child's charge or charges. In using the individual child as the unit of data, we applied this same hierarchical classification scheme across all the types of offenses that court counselors indicated in connection with all detentions for that child. Note that the offense categories were applied in the order listed. For example, if a detention is counted in the "running away from home" category, this means that it did not involve any of the offenses that we treated as more serious, like probation violation or a felony or misdemeanor.¹¹

9. Overall, the understatement is small. Using our computation method just described, the mean detention time for all 3,709 detentions in the January–October sample is 13.2 days, counting just the time spent during that ten-month period. If we limit our computations to detentions that began no later than August 31, to allow at least a two-month follow-up for each detention (very few detentions exceeded 60 days), the mean time for the resulting 2,986 detentions is 13.9 days. However, the understating effect of our computation has more effect on extremely long detentions.

10. For example: In 19.2 percent of the 3,672 detentions for which the court counselors indicated the "nature of the offense" (felony, misdemeanor, infraction, undisciplined), more than one category was selected. In 14.6 percent of the 3,166 detentions for which counselors indicated the "type" of offense (violent, property, sex, drug, motor vehicle, and other), more than one type was selected.

11. Although our offense classification scheme only counts 455 detentions as involving running away from home, 836 detentions actually involved this behavior, but in 381 of those detentions the child also was charged with offenses that we classified as more serious. For example, 267 of the 836 detentions involving running away also involved probation violation, and another 88 involved felony or misdemeanor charges.

OFFENSE CATEGORIES

1. Conditional release violation (a violation of the conditions of release from training school)¹²
2. Probation violation: violent felony or misdemeanor
3. Probation violation: property felony or misdemeanor
4. Probation violation: running away from home
5. Probation violation: other offense or unknown offense
6. Violent felony
7. Property felony
8. Other felony or type not indicated
9. Violent misdemeanor
10. Property misdemeanor
11. Other misdemeanor or type not indicated
12. Running away from home
13. Other undisciplined offense or infraction

Some explanation is needed of how we classified violations of probation. Being placed on probation legally requires an adjudication of delinquency—i.e., the youngster must have committed some act that would be criminal for an adult. Court counselors were asked to check on the form all types of offenses that were associated with each instance of detention. We intended this to include the "underlying" offense—the offense for which the child originally was placed on probation. Evidently we did not make our instructions clear. Where probation violators were concerned, court counselors often did not check any type of crime on the data form, which means that they could not have checked the underlying criminal offense. Apparently, they tended to check the latest type of offense or offenses that brought the child back to court as a probation violator; these offenses could be new noncriminal (undisciplined) misconduct like running away from home as well as new criminal behavior.

Our approach to probation violations was to classify a detention as being connected with a probation violation if the counselor checked the "probation violation" box on the data form. We combined that information with whatever other types of offenses the counselor checked on the form. But the reader should keep in mind that where, for example, we classified a detention as "probation violation: running away" or some other noncriminal offense, that child originally had been placed on probation for some criminal behavior, not for a noncriminal offense.

Table 1 shows the frequency of various types of offenses charged. They are separately tabulated for detentions, for child-days, and for individual children. Also

12. Note that N.C. Gen. Stat. § 7A-574(d) authorizes detention for conditional release violation "only if the juvenile is alleged to have committed acts that damage property or injure persons."

shown is the mean (average) number of days per detention, which is computed by dividing child-days by number of detentions. The total child-days shown can be regarded as the total utilization of detention facilities contributed by children in our ten-month sample. The percentages in that column indicate how much of the available detention space each type of case utilized.

The General Assembly, in legislation quoted at the beginning of this report, was especially concerned with how many detention orders involved juveniles charged with "offenses that would be crimes against the person [i.e., violent crimes] or against property, if committed by an adult, for violation of probation, and for running away [from home]. . . ." *In fact, most detentions and the bulk of utilization of detention facilities involved offenses with which the legislation was concerned.*

Cases involving probation violation contributed 32.8 percent of all detentions and 35.6 percent of total utilization (child-days). Detention involving violent crime charges¹³ tended to last somewhat longer than the average detention period (16.8 days versus 13.3 days). These detentions involving violence contributed 28.1 percent of all detentions and 35.7 percent of total utilization. Detentions involving property crime charges amounted to 30.0 percent of all detentions and 31.6 percent of total utilization.¹⁴

Detentions involving running away from home (including probation violations) accounted for 17.7 percent of all detentions. These tended to be shorter than the overall mean (average) of 13.3 days, and where probation violation was not involved the average was only 2.6 days. Hence, runaway cases contributed only 6.7 percent of total utilization.

Consider all the detentions involving the charges emphasized by the 1993 legislation—violent and property crimes, plus probation violations where court counselors did not indicate violent and property crimes, plus running away from home. As a group, these cases amounted to 86.2 percent of all detentions and 83.5 percent of the utilization of detention space during the ten-month period. Only about one-sixth of the space was used for cases involving other charges.

Violations of conditional release from training school, as Table 1 shows, accounted for only 4.2 percent of the instances of detention and 6.5 percent of the total utilization. Note that some conditional release cases involved other charges as well. Other felony and misdemeanor charges not already mentioned (involving drugs, motor vehicles, nonassaultive sex offenses, and other offenses except for probation and conditional release violation) contributed only 9.5 percent of detentions and 10.0 percent of space utilization.

13. Violent crime charges include probation violations where violent offenses were indicated, as well as violent felonies or misdemeanors where probation violation was not involved.

14. Property crime charges include probation violations where property offenses were indicated, as well as property felonies or misdemeanors where probation violation was not involved.

Looking at the rightmost column of Table 1, which counts by individual children, we can see that the offense categories already discussed contribute about the same amount in terms of children as they do in terms of instances of detention and child-days.

B. Types of Detention Actions and Orders

Detentions often were continued by repeated orders, and these orders could be of more than one type.¹⁵ To help in analyzing the data, we established a hierarchy of types of orders as shown in the following list. Priority in this scheme depends on how late in the process (how close to disposition) the order is; the later it is, the higher the priority. Initial orders and detention without a hearing rank lowest. Thus, for example, if a detention is counted in the "pending placement" category, it involved an order to detain the child pending placement, but it also may have involved orders at earlier stages of adjudication of the case. In assigning an individual child to a type of order, we applied the following hierarchy to all orders issued for that child across all his or her detentions.

TYPES OF DETENTION ORDERS

1. Detention pending placement (usually placement in training school; see further explanation below)
2. Detention as a disposition, i.e. use of the facility as a disposition for a juvenile adjudicated delinquent
3. Detention pending disposition, meaning after adjudication and before the court has set the disposition
4. Detention continued during the adjudication phase, after an initial detention
5. Initial detention after a hearing
6. Initial detention without a hearing
7. Other detention orders¹⁶

The frequency of various types of detention orders is shown in Table 2. The first type of detention order, detention "pending placement," occurred when the court

15. Of the 3,670 detentions for which court counselors indicated the type of order, 37.1 percent involved more than one type.

16. Orders in the "other" category, which accounted for only 1.7 percent of the detentions, usually occurred in situations that did not quite fit the blanks on our data form. Examples, based on written comments by court counselors, include detention of a child after he or she was transferred to superior court for trial as an adult on felony charges; detention because the child has failed to appear at a juvenile court session; and detention while in transit from a wilderness camp back to a training school.

placed the child in detention while waiting for placement as a disposition of the case.¹⁷ Usually the placement is in a training school. In cases in which the child had been released from detention by October 31 (when the DHR prepared its data for us), 79 percent of the "pending placement" detentions were followed by training school admission (according to the DHR data); 8 percent by placement at home, with relatives, or in a foster home; and the remainder by placement in other facilities such as a group home, residential care institution, or therapeutic camp.

Detention pending placement (usually in training school) accounted for 20.1 percent of all detentions but 36.8 percent of total utilization of detention space, because the mean length of stay for this type of detention (24.4 days) was much longer than the overall mean (13.3 days). Note that waiting for admission to training school did not account for all of this time, because, for example, the eventual placement may not have been in training school, or the detention may have begun before the court committed the child to training school.¹⁸ We estimate that about two-thirds of the child-days associated with "pending placement" orders involved youngsters who were waiting for admission to training school.¹⁹ Applying this estimate to the ten-month data, two-thirds of 36.8 percent is about 25 percent. Therefore, *waiting for training school accounted for about one-fourth of total detention utilization.*

Detention as a disposition of the court usually was short (averaging 5.1 days) and accounted for very little space utilization; this was no surprise in view of the strict limitations on this use of detention explained in Section III. Detention pending the court's disposition in the case contributed 11.9 percent of all detentions and 15.5 percent of space utilization. Detention continued from an earlier order amounted to 13.4 percent of all detentions and 18.5 percent of utilization.

17. In the court counselor data forms applicable to detention admissions from January through June 1993, the box the court counselors checked was labeled, "Order for secure custody pending placement of adjudicated delinquent under G.S. 7A-574(c) and -649." Later, in the forms applicable to July-October admissions, we changed this wording to: "Order pending training school commitment of adjudicated delinquent under G.S. 7A-574(c) and -649." This was done to focus on detention that was really a prelude to training school. But this change did not seem to affect the data received from court counselors. We found that for children who had been released from detention when the DHR prepared the data for us, regardless of the admission period, about the same proportion of the detentions were followed by placement in a training school: 78 percent for the January-June group and 84 percent for the July-October group.

18. This could happen if detention began before adjudication or disposition in the case, on the basis of a different kind of order. If the court eventually issued a "pending placement" detention order, we would have counted the detention in that category using the hierarchical classification scheme described in the text.

19. This estimate was computed as follows. Court counselor data on dates of commitment (disposition) and admission to training school were available only for detentions that began in the July-October 1993 period. We examined 143 detentions whose orders we assigned to the "pending placement" category that began in July or August, thus assuring a minimum follow-up of 60 days; these did not include the few that did not end by October 31. Of these 143 detentions, 86.0 percent involved some period of time awaiting training school. The 143 detentions involved a total of 3,929 child-days. We computed a "waiting period"—the portion of each detention period during which the child was subject to a training school commitment and was awaiting admission. These waiting periods totaled 2,646 child-days, or 67.3 percent (two-thirds) of the total detention utilization for the 143 "pending placement" detentions.

Initial detentions after a hearing accounted for 8.9 and 7.8 percent, respectively. Initial detentions without a hearing contributed a large proportion of detentions—32.1 percent—but only 15.6 percent of space utilization, because their time was short (averaging 6.5 days). The grounds most often cited in connection with these detentions were that the child had run away from home (40.9 percent) or was charged with a felony and considered dangerous to persons or property (30.9 percent).

Individual children (rightmost column of Table 2) were most often detained either by an initial detention order without a hearing, or by an order pending placement (usually in training school).

C. Grounds for Detention Cited by Court Counselors

The various statutory grounds for detention are listed in Section III.B above. Court counselors indicated on their data forms the ground(s) on which each detention was based; some detentions involved more than one statutory ground.²⁰ We assigned these to hierarchical categories indicated in the following list. If the detention was ordered pending placement or as the court's disposition, we assigned the detention to one of those categories. The other categories were ranked in a fashion analogous to the ranking of offense categories. Keep in mind that each category may also include grounds that appear below it on the list. For example, a child detained pending placement also may have been charged with a felony and considered dangerous, or the child may have been considered likely to fail to appear.

20. This could happen because either more than one detention order was involved or because a single order was based on more than one statutory ground. Of the 3,667 detentions for which court counselors indicated grounds, 21.4 percent involved more than one.

GROUNDS FOR DETENTION CITED BY COURT COUNSELORS

1. Pending placement (usually in training school)
2. As the court's disposition
3. Child absconded from training school or detention facility
4. Child is being transferred ("bound over") to superior court for adult trial on felony charges
5. Child is charged with probation or conditional release violation and violent or property crime
6. Child is charged with felony and considered dangerous to persons or property
7. Child is charged with misdemeanor assault
8. Child has willfully failed to appear in court, or is charged with delinquency and considered likely to fail to appear
9. Child has run away from home
10. Other grounds²¹

Table 3 shows the frequency of the various grounds that court counselors cited for detention. The first two rows pertain to detention in situations that require no special grounds. Detention pending placement (usually in training school) accounted for 20.0 percent of the detentions but 36.7 percent of the total space utilization, because this kind of detention (as explained earlier) lasted considerably longer (an average of 24.3 days) than the average detention in this sample (13.3 days). Detention imposed as the disposition of the court (for adjudication of delinquency) contributed 12.0 percent of detentions but, because the periods were short, only 4.6 percent of the space utilization.

Absconding from training school was the ground for very few detentions. Transfer to superior court (for adult trial for felonies allegedly committed while age fourteen or fifteen) accounted for only 1.5 percent of detentions but 5.2 percent of space utilization because of the times involved (averaging 45.9 days), probably reflecting the processing time for adult trials in superior court. Our data do not include

21. On the basis of the comments written by court counselors, it appears that many of the 206 detentions that we classified as having "other grounds" in fact involved grounds in the other listed categories (for example, detention as a disposition, detention pending disposition, and detention pending placement in training school), although the court counselors failed to check the blanks for these grounds. Otherwise, the following are examples of reasons given in court counselors' written comments: the juvenile was a runaway from another state and wanted under the Interstate Compact; the juvenile was "detained for the purpose of having psychological evaluation"; the juvenile was charged with probation violation, displayed a "really poor attitude" in court and told the judge he was planning to leave the state without his mother's approval; the juvenile "violated suspended secure custody ['Community Attention'] program"; the court ordered "48 hour weekend detention as part of probation conditions"; and the juvenile "violat[ed] explicit orders of court after he was released from detention on previous charges."

a few instances of detention—estimated at 20 to 30—in the temporary Leonard Satellite Detention Facility (Lenoir County), which is used only in connection with transfer to superior court (admissions to that facility are not recorded on the DHR's database).

The next three grounds essentially have to do with the perceived dangerousness of the child: being charged with a probation or conditional release violation plus violent or property crime, being charged with a felony and considered dangerous, and being charged with misdemeanor assault. These three together were the basis of 37.2 percent of the detentions and 38.6 percent of the utilization of detention facilities. Failure to appear in court (actual or likely) accounted for 8.9 percent of the detentions and 7.0 percent of the utilization.

Running away from home, as a ground for detention, explained 13.9 percent of the detentions but only 3.3 percent of utilization of detention facilities. The length of these detentions of runaway children averaged 3.2 days and thus was much shorter than the average detention overall. These results raise some questions because, as explained earlier, the time limit for detention of runaways (in the limited circumstances where it is allowed) is only 72 hours (3 days). For the 513 detentions where running away was the most serious ground cited by the court counselors, the time in detention ranged up to 59 days. Ninety-eight of these 513 detentions were longer than 3 days. Of those 98, 34 involved juveniles who also were probation violators; although this was not indicated as a ground for detention, it helps to explain it. But 49 of the 98 detentions of runaways that were longer than 3 days involved children whose most serious charge was running away. Of these 49 detentions, 41 were on initial orders without hearings. These 41 detentions ranged up to 58 days (their median value was 7 days). Perhaps there were grounds or other circumstances not indicated by court counselors that explain these detentions, but without further information we are unable to explain them. In any event, the unexplained detentions of runaways constitute only a small fraction of total detentions.

To summarize the analysis of the grounds cited for detention, perhaps the most important finding is that *the three "dangerousness" grounds plus "awaiting placement" (usually training school) accounted for 75.3 percent of the utilization of detention facilities*. It is also noteworthy that a few detentions involving runaways were for an unusually long period that cannot be explained from the information provided by court counselors.

V. Recent Trends in Arrests, Delinquency Petitions, and Detention and Training School Populations

Like the adult populations of county jails and state prisons,²² the population of juvenile detention facilities is linked to the growth of arrests and filing of formal charges. Since 1982, as shown in Figure 1, the growth of total arrests of juveniles for crimes²³ has closely resembled the growth of delinquency petitions, which of course always involve charges of criminal behavior.²⁴ From 1982 to 1992, total arrests increased by 64 percent, while delinquency petitions increased by 61 percent. The graph also shows the arrests of juveniles for the serious crimes known as "Part I" offenses—murder, manslaughter, rape, robbery, aggravated assault, and arson—which increased by 32 percent.

Figure 2 shows the average monthly population of state training schools and detention facilities from March 1991 through October 1993, based on DHR data.²⁵ During a time of rapid growth in juvenile arrests and delinquency petitions, the training school population has remained about 700. The linear trend (shown as a dashed line) shows neither increase nor decrease. Monthly admissions to training school (not shown in Figure 2) varied from 46 to 97 in the March 1991 to October 1993 period, but their linear trend also was essentially flat; the average was about 68. The average time spent in training school was roughly 10 months during the period.²⁶

22. See Stevens H. Clarke and Emily Coleman, "County Jail Population Trends, 1975-92" *Popular Government* 59, no. 1 (Summer 1993): 10-15; and Stevens H. Clarke, "North Carolina's Growing Prison Population: Is There an End in Sight?" *Popular Government* 56, no. 4 (Spring 1991): 9-19.

23. The arrest data come from *Crime in North Carolina* (Raleigh, N.C.: N.C. Department of Justice, State Bureau of Investigation) for the years indicated. Not counted in this graph are arrests for juveniles for noncriminal misconduct, which in police arrest data include running away from home and curfew and loitering violations. Data on petitions came from the AOC's annual reports.

24. In Figure 1, different scales are used for arrests and petitions so that their relative growth patterns can be compared. Note that the number of petitions filed generally exceeds the number of arrests, because (1) in some cases petitions are filed without the juvenile having been arrested first, and (2) one arrest may generate two or more petitions where there are multiple charges.

25. The average training school populations were aggregate data provided by DHR, not reconstructed from individual admission data.

26. The average time spent in training school can be estimated by dividing the mean population during the March 1991-October 1993 period (700) by the mean monthly admissions (68) to obtain 10.3 months. For this estimation, we use "Little's Formula," which is $P = AL$, where A is average monthly admissions, L is the average length of stay in months, and P is the average population. See Shaler Stidham, Jr., "A Last Word on $L = \lambda W$," *Operations Research* 22 (March/April 1974): 417-21.

While the training school population remained constant, the juvenile detention population increased. A more detailed breakdown of recent trends in the detention population is shown in Figure 3. The top line in the graph indicates the monthly average total detention population from March 1991 through August 1993.²⁷ The bottom line indicates just those children who were "training school-bound"—i.e., who according to DHR records went to training school immediately upon release from detention. There were drops in the population in June–August and in December. The best explanation for these seasonal drops seems to be that fewer judges and other court personnel are on duty during the summer because of vacations, and that courts are not in session throughout December because of the holidays; thus fewer juvenile cases may be processed during those months.

There were steep increases in both the total and the training school-bound detention populations during the period (the dashed lines in Figure 3 indicate linear trends). From March 1991 to August 1993, the monthly average total detention population increased by 37 percent, going from 126.3 children to 172.7. Most of this increase—38.8 children out of a total increase of 46.4 in the monthly average total—was due to an increase in the training school-bound population. The training school-bound group went up 106 percent during the period, increasing thirteen times faster than the remaining population, which rose only 8 percent. Thus *most of the growth in detention during the period was of children who eventually were found to require training school placement.*

We found no increase in the use of detention facilities as a disposition—i.e., as a formal sanction for juvenile delinquency. Throughout the March 1991 to August 1993 period, the number of children in detention as a district court disposition remained very small, ranging from three to nine, according to DHR data.

Increased length of stay in detention, not increased admissions, caused the detention population to increase from 1991 to 1993. Admissions actually declined. Figure 4 shows the number of children admitted per month to detention from January 1991 through October 1993. While the number admitted has fluctuated, the linear trend (shown by the dashed line) is downward. Admissions for October 1993 (356) were 21 percent lower than admissions in January 1991 (476). Meanwhile, more than

27. Although we have DHR data for admissions from January 1991 through October 1993, in some analyses (like the reconstruction of the total detention population) we do not show results for January and February 1991 nor for September and October 1993. By March 1991 we could be sure that nearly everyone in detention had come in since January 1, 1991, and therefore was included in our sample (very few youngsters stay more than 60 days). To be sure we had the release date of nearly everyone in the sample, we had to remove September and October 1993 from the period displayed, to be sure that everyone was followed up for at least 60 days. In using the DHR data, we had to eliminate 133 detentions that began in 1992 and 2 that began in 1991, because the release dates were missing.

compensating for the drop in admissions, the median time²⁸ spent in detention increased by 81 percent, going from 3.2 days for those admitted in January 1991 to 5.8 days for those admitted in August 1993 (see Figure 5).²⁹ Most of the increase occurred after June 1992.

Figure 5 also shows the 25th percentile and the 75th percentile of detention time. This lets us look at the distribution of values along with their central tendency. Not only has the median increased, the 75th percentile also has increased rapidly, and most of the increase occurred after June 1992. The 75th percentile detention time for those admitted in August 1993 was 20.6 days, which is 158 percent higher than that of children admitted in January 1991 (8 days) and 261 percent higher than that of children admitted in June 1992. This tells us that the top 25 percent of the children, in terms of detention time, are staying much longer now than they were in 1991 or the first half of 1992. On the other hand, the bottom 25 percent continued to spend 1 or 2 days in detention throughout the period, so the length of the shorter stays has not changed.

28. The median time is the 50th percentile or halfway point in the distribution of values, i.e., the point such that half of the values are less than or equal to it, and the remaining half are greater than or equal to it. The 25th percentile is the value such that 25 percent of the values are less than or equal to it, and the remaining 75 percent are greater than or equal to it. The 75th percentile is the value such that 75 percent of the values are less than or equal to it, and the remaining 25 percent are greater than or equal to it.

29. These results exclude children admitted in September and October 1993; the remaining cases were followed up for at least 60 days to permit accurate calculation of the median.

VI. Children Who Spend Unusually Long Periods in Detention

The analysis of recent trends in the detention population suggests an increasing contribution from children who spend long periods in detention. In this section we look at information on such children provided by DHR records (for detentions during 1991-93) and court counselors (for detentions in 1993).

DHR records show 7,859 children³⁰ admitted to detention facilities during the 30 months from January 1, 1991 through June 30, 1993.³¹ In analyzing these data, for each child admitted we counted the total number of days spent in detention with a minimum follow-up of 120 days.³² These 7,859 children had an average of 1.6 admissions each during the 30-month period; 65.4 percent had only 1 admission; 19.7 percent had 2; and the remaining 14.9 percent had from 3 to 23 (the largest number accumulated, by just 1 youngster).

Most children remain in juvenile detention only a few days, but a few remain for long periods, even as much as a year.³³ The children who remain for long periods account for a large share of the total utilization of detention facilities. As Figure 6 illustrates, 47.3 percent of the 7,859 children remained 5 days or less and 15.1 percent remained 6 to 10 days—a total of 62.4 percent—but children who remained up to 10 days contributed only 14.2 percent of total utilization of detention facilities during the 30-month period. At the opposite extreme, 10.5 percent of the youngsters stayed 31 to 60 days, but these youngsters accounted for 28.4 percent of the utilization. The 5.0 percent who stayed longer than 60 days contributed 30.9 percent of the utilization.

Given that a few children take up so much of available detention space, it is tempting to see how much space could be freed by imposing a per-child limit on the total number of days in detention. If detention had been limited to 30 days per child in this 30-month sample, 15.6 percent of the children would have been affected and the total utilization of space would have been reduced by 29.6 percent. If detention had been limited to 60 days per child, only 5.0 percent of the children would have been affected, and space utilization would have been reduced by 11.7 percent. However, it may not be easy to find alternatives to detention for such children.

30. See *supra* note 26 concerning a few detentions that had to be eliminated in using DHR data. Also, in the computations shown in Figure 6, six children were eliminated because of bad data on release dates.

31. Although we have data on admissions through October 31, 1993, these calculations are limited to admissions through June 30, 1993, to permit each detention to be followed up for at least 120 days (less than 1 percent of children remained longer than that), which allows examination of the contribution to total utilization of the few extremely long detention periods.

32. In this analysis, a detention that was still ongoing by October 31, 1993, was counted as ending on that date. This ensured that every detention was measured for at least 120 days. Very few detentions exceeded 120 days.

33. In the January 1991-June 1993 data, we found two children who had been in detention longer than 300 days.

We examined available information on children who spent more than 60 days in detention—the "over-60-day" children—to see how they differed from other detainees. To take advantage of data provided by court counselors as well as the DHR, this analysis focused on detentions from January 1 through October 31, 1993. During that 10-month period, 2,776 individual children were admitted to detention facilities in 3,709 separate instances of detention. Of these 2,776 children, 144 accumulated more than 60 days in detention during the period in 283 separate detentions (an average of 2.0 detentions per child).

How did the over-60-day children compare with others detained during the same period? (See Figure 7.) One obvious difference is that they appeared to be more dangerous. In their various detentions, nearly half (48.6 percent) were charged with a felony, compared to only 11.6 percent for children who spent less than 60 days.³⁴ Felony charges and dangerousness were cited as grounds for detention in 42.8 percent of the over-60-day children's detentions, compared to 21.7 percent of other children's.

Another difference between the over-60-day group and other detained children (Figure 7) was that their detentions were more likely to be a prelude to further involvement of the child in the court or correctional system. A greater proportion (27.2 percent) of the over-60-day children's detention orders were issued pending placement of the child (usually in training school) compared with other children's orders (19.2 percent). More were issued pending disposition of adjudicated juveniles (20.9 percent versus 11.0 percent); and more were issued in connection with "bindover" (transfer) of the child to superior court for adult felony trial (7.1 percent versus 1.0 percent). Also, the over-60-day youngsters' detentions were more likely to be continuations of an earlier detention (24.7 percent versus 12.3 percent).

A third difference between over-60-day youngsters and other detained children concerns what happened to them during detention and immediately after release from detention. Looking just at youngsters whose detention had ended by October 31, 1993,³⁵ DHR data show that the proportion who went to training school upon release from detention was twice as large for the over-60-day group (54.8 percent) as for other children (26.4 percent), and the proportion sent home to parents was much smaller (11.3 percent versus 47.8 percent). This difference probably reflects the perceived dangerousness of these children as well as difficulties with placing them at home or in other situations.

The over-60-day group were more likely to have "emotional" or "mental" problems³⁶ noted by detention facility staff than were other children (14.5 percent versus 10.9 percent). The over-60-day group were significantly more likely to receive services from a psychologist or psychiatrist while in detention than were other youths

34. These percentages include instances where the violent felony charge was accompanied by a probation violation charge as well as instances where it was not.

35. These were 124 over-60-day children and 2,441 other children.

36. Such problems include problems with substance abuse and sexual abuse.

(5.6 percent versus 1.2 percent) and to have an evaluation report completed on them during their stay (22.6 percent versus 11.5 percent).

In 87 of the 283 detentions of the over-60-day children, court counselors wrote comments on their data forms explaining the circumstances of detention. These comments concerning the over-60-day children illustrate how difficult their situations often were. Letting the youngster remain at home frequently was ruled out because of danger to others, as this comment illustrates: "The juvenile spent so much time in detention due to mother's refusal to allow him to return home because the victim, his sister, also resided in the home. Time was spent seeking an out-of-home placement . . . [and] a psychological evaluation from mental health. . . ." ³⁷ Sometimes the youngster himself was in danger: "The juvenile was placed in secure custody . . . to prevent the victim's family and friends . . . from attempting to inflict bodily harm on [him]. . . The victim in this case was severely injured and . . . near death. . . ."

The court counselors mentioned a murder charge in ten of the detentions. In these and other felony cases (as explained earlier), transfer to superior court for adult trial often occurred; for example: "A petition was filed . . . alleging murder and [the child] was ordered into secure custody . . . [P]robable cause was found and he was bound over to superior court. . . . Bond was set . . . and [he] was released. While out on bond, he was charged with two new offenses: resisting and delaying an officer and carrying a concealed weapon. [The court] revoked his bond and he was placed back in detention . . . He was adjudicated delinquent [for these new charges and] disposition . . . was ordered continued until the indictment for murder was disposed of."

Some counselors noted that either the child had been certified as a "Willie M." child or the certification was in process. The "Willie M." program, named for the lead plaintiff in a 1980s lawsuit, provides residential treatment and other services for dangerously disturbed children.

Attempts to put the juvenile somewhere other than in detention could prolong the detention period: "Juvenile was ordered to be held in detention while placement was sought to weekend wilderness camp. He was in court on a motion for review for violating probation and a new delinquent offense [assault] committed while on probation. . . ." And these placement attempts often failed, leading to more detention: "Juvenile was adjudicated delinquent . . . for felon[ious] crime against nature and first degree sex offense. . . . Disposition was continued . . . pending possible placement at _____ Hospital. Juvenile was not accepted at _____ Hospital and was committed to [training school] and remained in secure custody pending admission to [training school]. . . ." This last example also illustrates that if other placement failed, sometimes there was still a considerable wait in detention for training school. Also, sometimes the child was conditionally released from detention but repeatedly violated the conditions and had to be returned to detention.

37. Eventually this particular child was placed in department of social services custody.

VII. Conclusion

Brief answers to the specific questions posed by the study legislation are as follows: Five-sixths of detentions and of detention facility space in 1993 were attributable to children charged with the offenses specified in the legislation—crimes against persons and property, probation violation, and running away from home. The most commonly cited criteria for detention, in terms of utilization of detention space, were that the child was detained pending placement, usually placement in training school (36.7 percent of utilization); and that the child was charged with a felony and considered dangerous to persons or property (26.0 percent of utilization).

Detention in recent months increasingly may have become a *de facto* substitute for training school, despite the fact that (as already mentioned) placement in detention as a formal disposition for adjudicated delinquency remained quite infrequent and did not increase from 1991 to 1993. Several findings of the study suggest that detention is being used as a substitute for training school: (1) the supply of training school space has remained constant during a time of increasing juvenile arrests and delinquency petitions, while the population in detention has increased; (2) the recent growth in the detention population is attributable entirely to longer stays in detention; (3) longer stays in detention involve children who have a high probability of going to training school upon release, and who tend to be considered dangerous or otherwise difficult to place at home or in other nonsecure situations; (4) in 1993 one-fourth of the utilization of detention facilities was by children who had been committed to training school and were waiting for admission.

The courts seem to be struggling to find placements other than detention and training school for children who spend long periods in detention, as illustrated by the comments of court counselors concerning children whose detention exceeded 60 days. Detention facilities themselves seem to provide little treatment and, indeed, are not designed for this purpose. DHR data indicate that the over-60-day youngsters rarely receive psychological or psychiatric treatment while in detention, even though they are more likely to get such treatment than children who stay a shorter time.

We find it impossible to review the data for this study without a sense of compassion for the children in long-term detention, as well as for the victims of their delinquent acts and the court counselors and detention staff who try to help them. While our study is quite limited in scope, we hope that it may assist those who are seeking solutions to the problems that this study describes.

Tables and Figures

Table 1. Offenses Charged

OFFENSE CATEGORY	INSTANCES OF DETENTION	MEAN DAYS PER DETENTION ¹	CHILD-DAYS (UTILIZATION)	INDIVIDUAL CHILDREN
CONDITIONAL RELEASE VIOLATION	156 (4.2%)	20.3 days	3,169 (6.5%)	142 (5.1%)
Probation violation: violent offense	279 (7.6%)	17.6 days	4,907 (10.1%)	240 (8.6%)
Probation violation: property offense	347 (9.4%)	16.6 days	5,774 (11.8%)	296 (10.7%)
Probation violation: running away	196 (5.3%)	10.5 days	2,061 (4.2%)	131 (4.7%)
Probation violation: other	384 (10.4%)	12.1 days	4,643 (9.5%)	304 (11.0%)
TOTAL PROBATION VIOLATION	1,206 (32.8%)	14.4 days	17,385 (35.6%)	971 (35.0%)
Felony: violent	391 (10.6%)	23.8 days	9,287 (19.0%)	286 (10.3%)
Felony: property	579 (15.8%)	13.7 days	7,952 (16.3%)	423 (15.2%)
Felony: other	193 (5.3%)	18.0 days	3,467 (7.1%)	137 (4.9%)
Misdemeanor: violent	364 (9.9%)	8.8 days	3,207 (6.6%)	261 (9.4%)
Misdemeanor: property	175 (4.8%)	9.6 days	1,682 (3.4%)	124 (4.5%)
Misdemeanor: other	110 (3.0%)	9.5 days	1,049 (2.2%)	75 (2.7%)
TOTAL VIOLENT OFFENSES (PROBATION VIOLATION + FELONY + MISDEMEANOR)	1,034 (28.1%)	16.8 days	17,401 (35.7%)	787 (28.4%)
TOTAL PROPERTY OFFENSES (PROBATION VIOLATION + FELONY + MISDEMEANOR)	1,101 (30.0%)	14.0 days	15,408 (31.6%)	843 (30.4%)
RUNNING AWAY FROM HOME	455 (12.4%)	2.6 days	1,205 (2.5%)	301 (10.8%)
OTHER UNDISCIPLINED OFFENSE OR INFRACTION	47 (1.3%)	8.0 days	378 (0.8%)	56 (2.0%)
TOTAL FOR ALL OFFENSES²	3,676 (100.0%)	13.3 days	48,782 (100.0%)	2,776 (100.0%)

1. Computed by dividing child-days by instances of detention.

2. Offense data missing for 33 detentions. Percentages may not add up to 100.0 because of rounding.

Table 2. Types of Secure Detention Orders Issued

TYPE OF DETENTION ORDER	INSTANCES OF DETENTION	MEAN DAYS PER DETENTION	CHILD-DAYS (UTILIZATION)	INDIVIDUAL CHILDREN
Pending placement, usually in training school	736 (20.1%)	24.4 days	17,926 (36.8%)	680 (24.7%)
As the court's disposition	443 (12.1%)	5.1 days	2,240 (4.6%)	379 (13.8%)
Pending the court's disposition of the case	435 (11.9%)	17.4 days	7,568 (15.5%)	312 (11.3%)
Continued from an earlier order	491 (13.4%)	18.4 days	9,030 (18.5%)	340 (12.3%)
By initial order after a hearing	325 (8.9%)	11.7 days	3,800 (7.8%)	234 (8.5%)
Initial, without a hearing	1,177 (32.1%)	6.5 days	7,626 (15.6%)	766 (27.8%)
Other types of orders	63 (1.7%)	9.0 days	564 (1.2%)	44 (1.6%)
TOTAL¹	3,670 (100.0%)	13.3 days	48,754 (100.0%)	2,755 (100.0%)

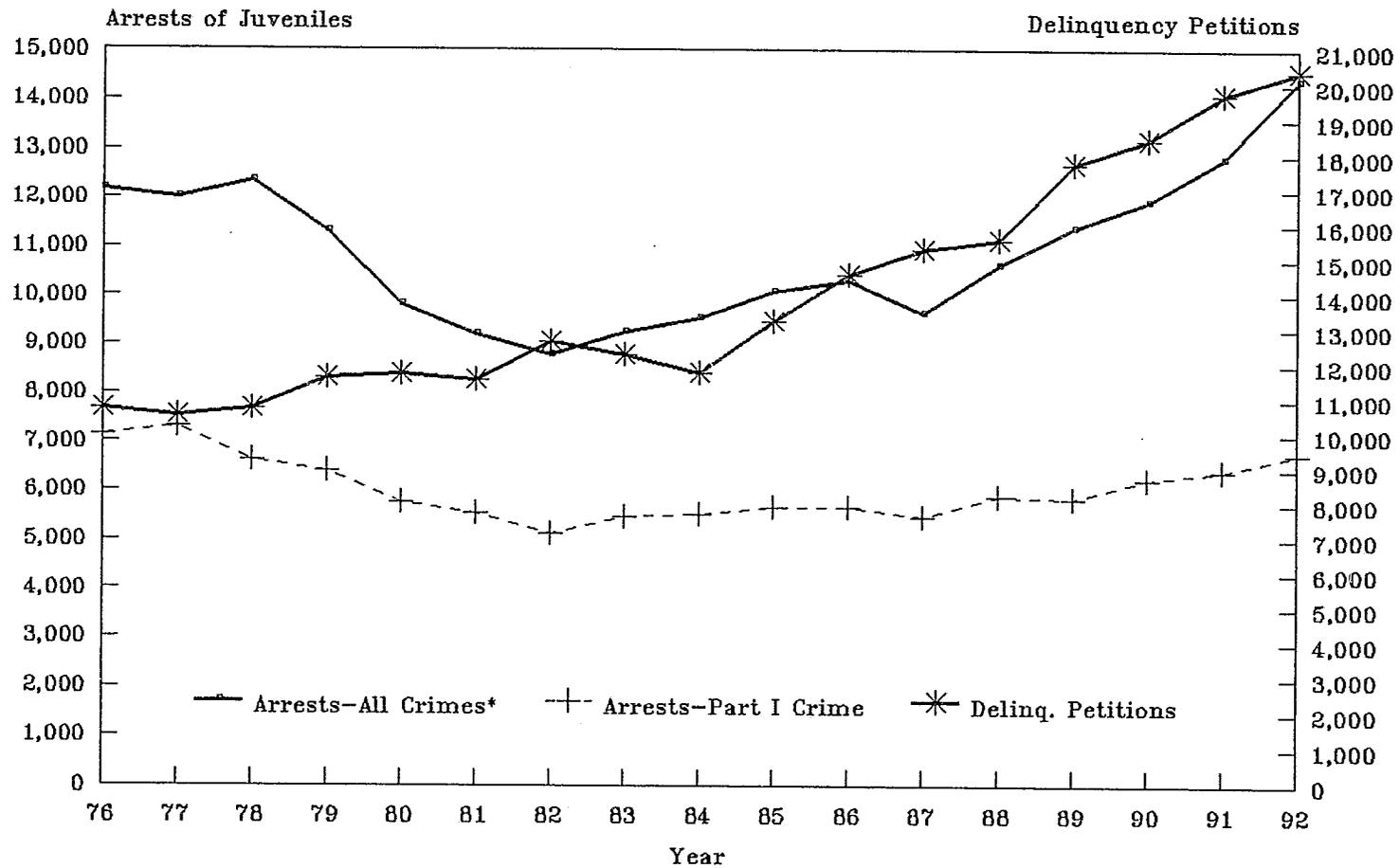
1. Percentages may not add up to 100.0 because of rounding. Data on type of order were missing for 39 detentions in which 21 individual children were involved.

Table 3. Grounds Cited for Detention

GROUND CITED FOR DETENTION	INSTANCES OF DETENTION	MEAN DAYS PER DETENTION	CHILD-DAYS (UTILIZATION)	INDIVIDUAL CHILDREN
Pending placement, usually in training school	736 (20.0%)	24.3 days	17,926 (36.7%)	680 (24.7%)
As the court's disposition	443 (12.0%)	5.1 days	2,240 (4.6%)	379 (13.7%)
Child absconded from training school or detention facility	30 (0.8%)	4.4 days	131 (0.3%)	24 (0.9%)
Child being transferred to superior court for adult trial ("bound over")	55 (1.5%)	45.9 days	2,527 (5.2%)	45 (1.6%)
Child charged with probation or conditional release violation and violent or property crime	210 (5.7%)	15.8 days	3,309 (6.8%)	164 (6.0%)
Child charged with felony and dangerous to persons or property	835 (22.7%)	15.2 days	12,662 (26.0%)	575 (20.9%)
Child charged with misdemeanor assault	325 (8.8%)	8.8 days	2,872 (5.9%)	236 (8.6%)
Child has failed to appear in court, or is charged with delinquency and likely to fail to appear	326 (8.9%)	10.4 days	3,395 (7.0%)	203 (7.4%)
Child has run away from home	513 (13.9%)	3.2 days	1,625 (3.3%)	326 (11.8%)
Other grounds	206 (5.6%)	10.2 days	2,102 (4.3%)	124 (4.5%)
TOTAL¹	3,679 (100.0%)	13.3 days	48,789 (100.0%)	2,756 (100.0%)

1. Percentages may not add up to 100.0 due to rounding. Grounds information was missing in 30 detentions in which 20 individual children were involved.

Figure 1.
 Juvenile Arrests and Delinquency
 Petitions Filed, 1976-1992



*Excluding arrests for running away,
 curfew violation, and loitering

Figure 2.
 Avg. Monthly Pop. of Deten. Facilities
 & Training Schools, Mar. 1991-Oct. 1993

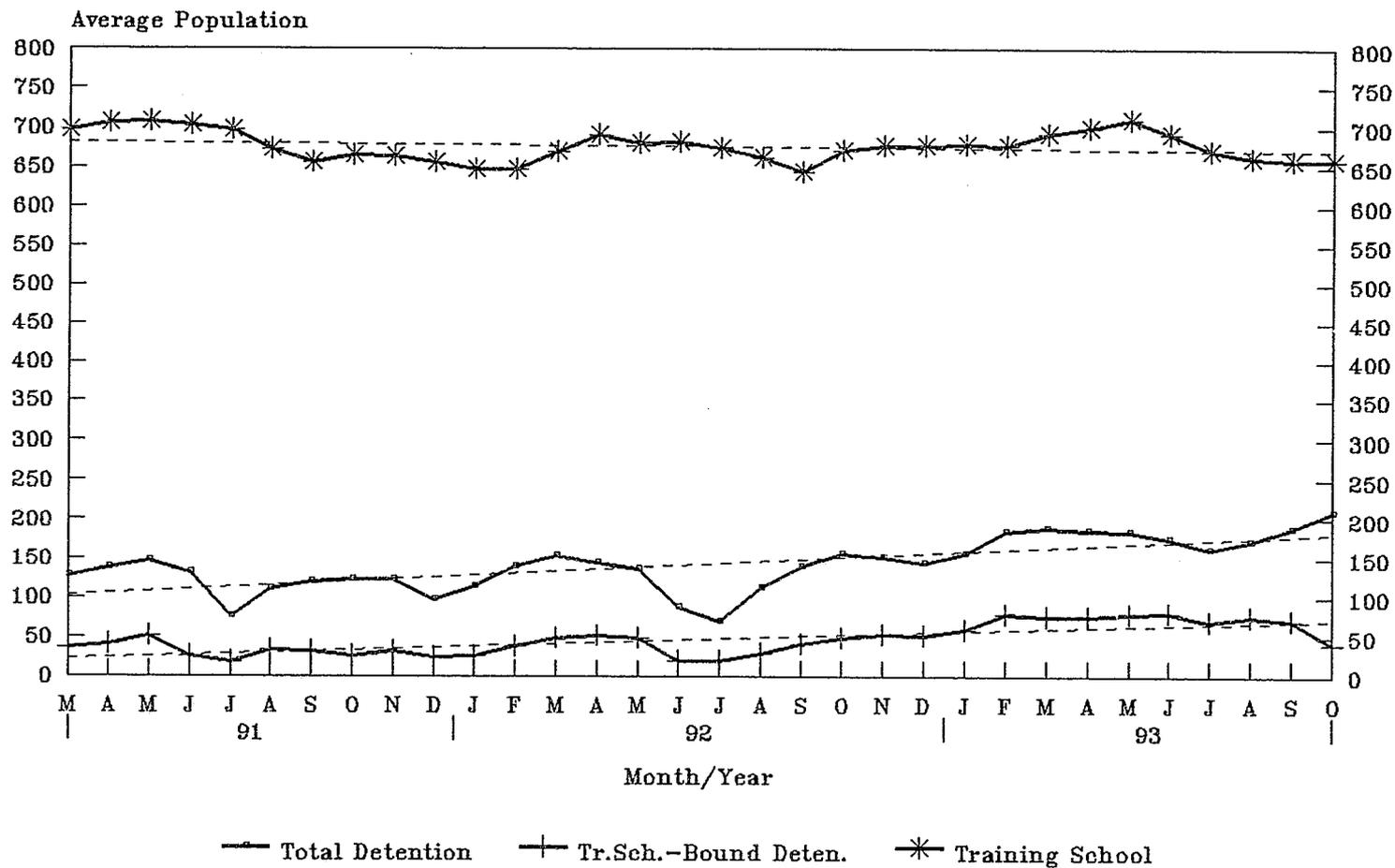


Figure 3.
 Average Monthly Population of Detention
 Facilities, March 1991–October 1993



Figure 4.
 Monthly Admissions to Juvenile Detention
 January 1991–October 1993

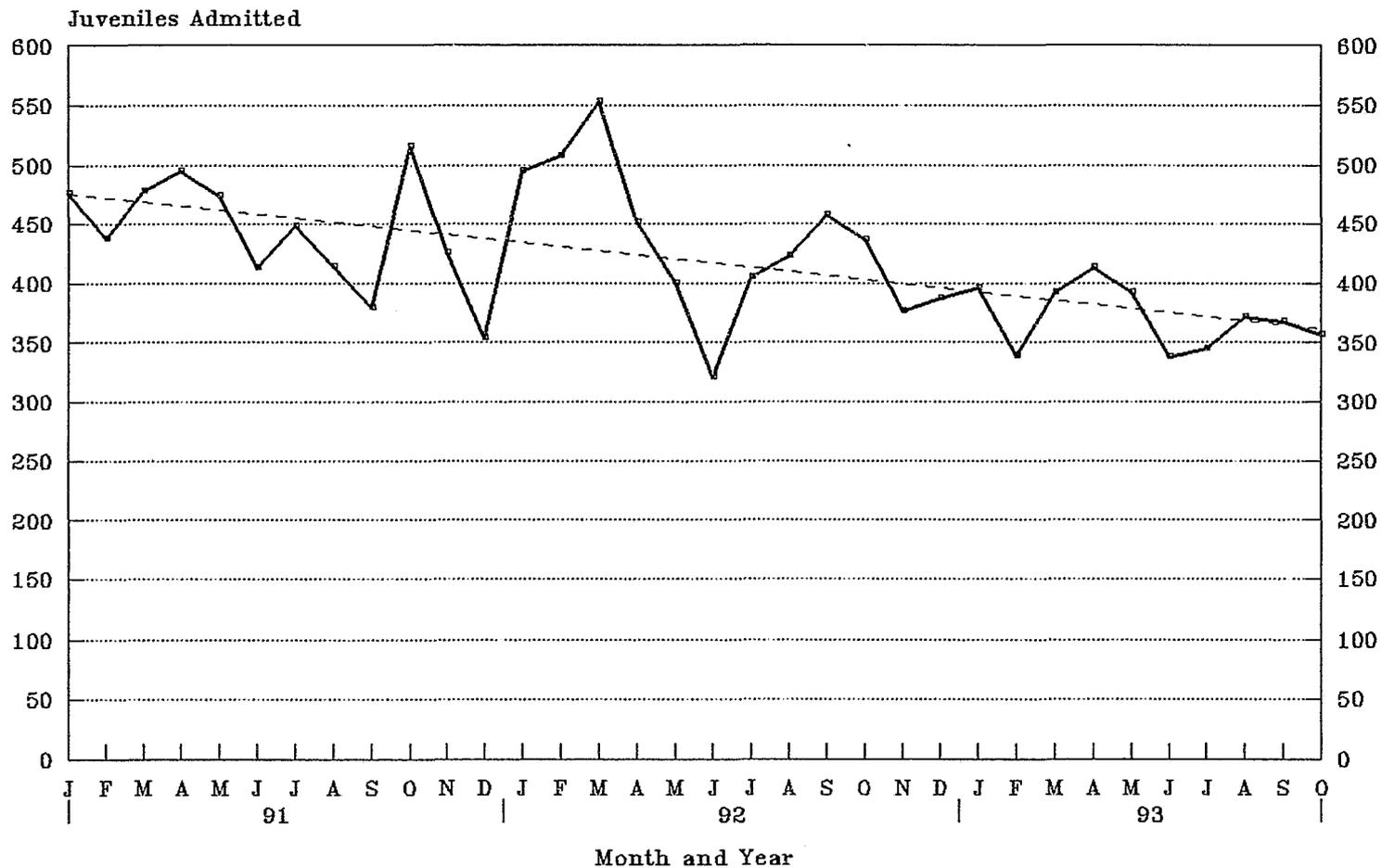


Figure 5.
 Days in Detention: Median, 25th, and
 75th Pctl., by Adm. Month, Jan.91-Aug.93

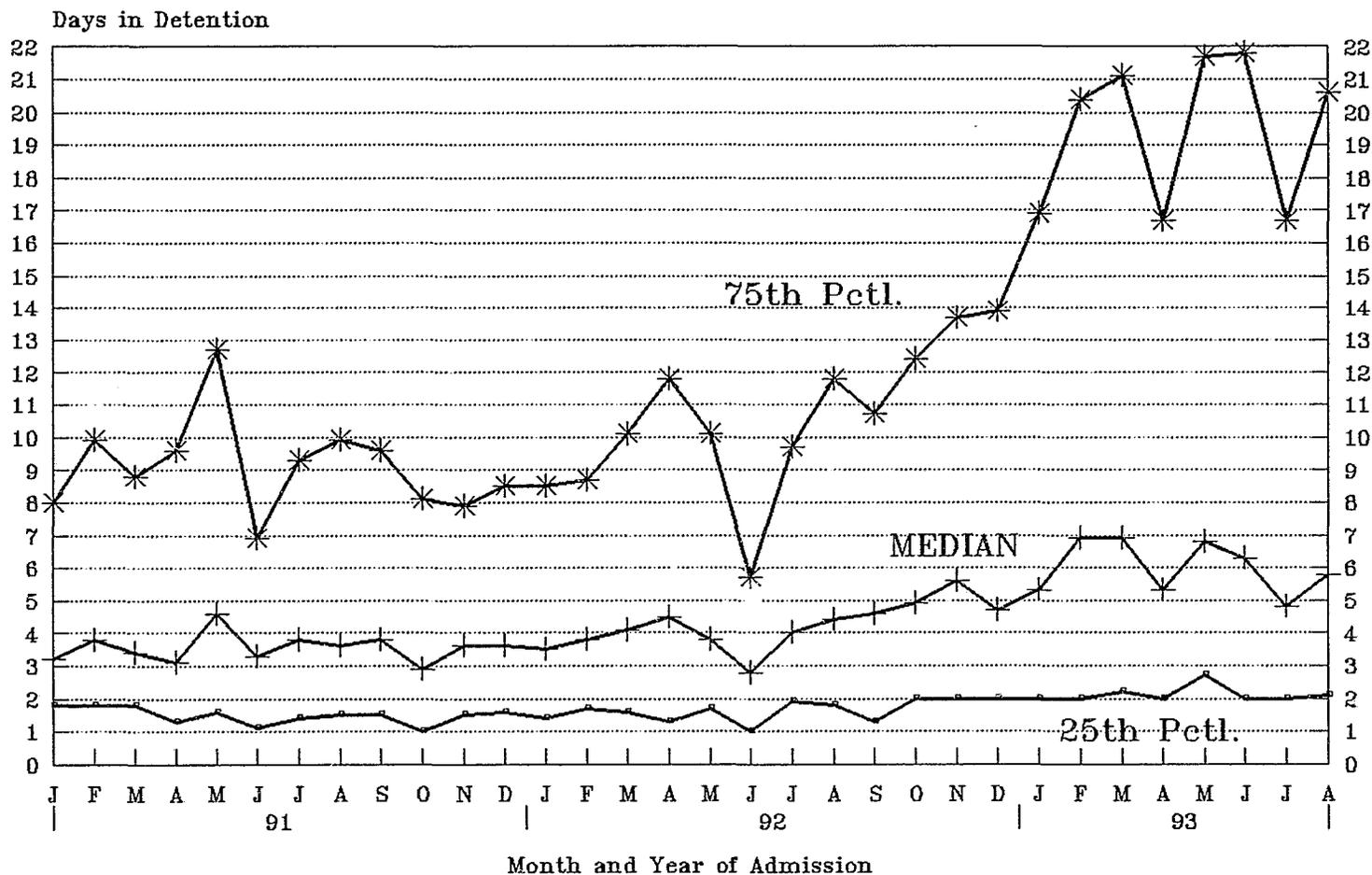


Figure 6.
 Deten. Length and Utilization of Deten.
 Facilities, Admissions Jan.91-Jun.93*

61+ days	5%
31-60 days	11%
21-30 days	9%
11-20 days	13%
6-10 days	15%
0-5 days	47%

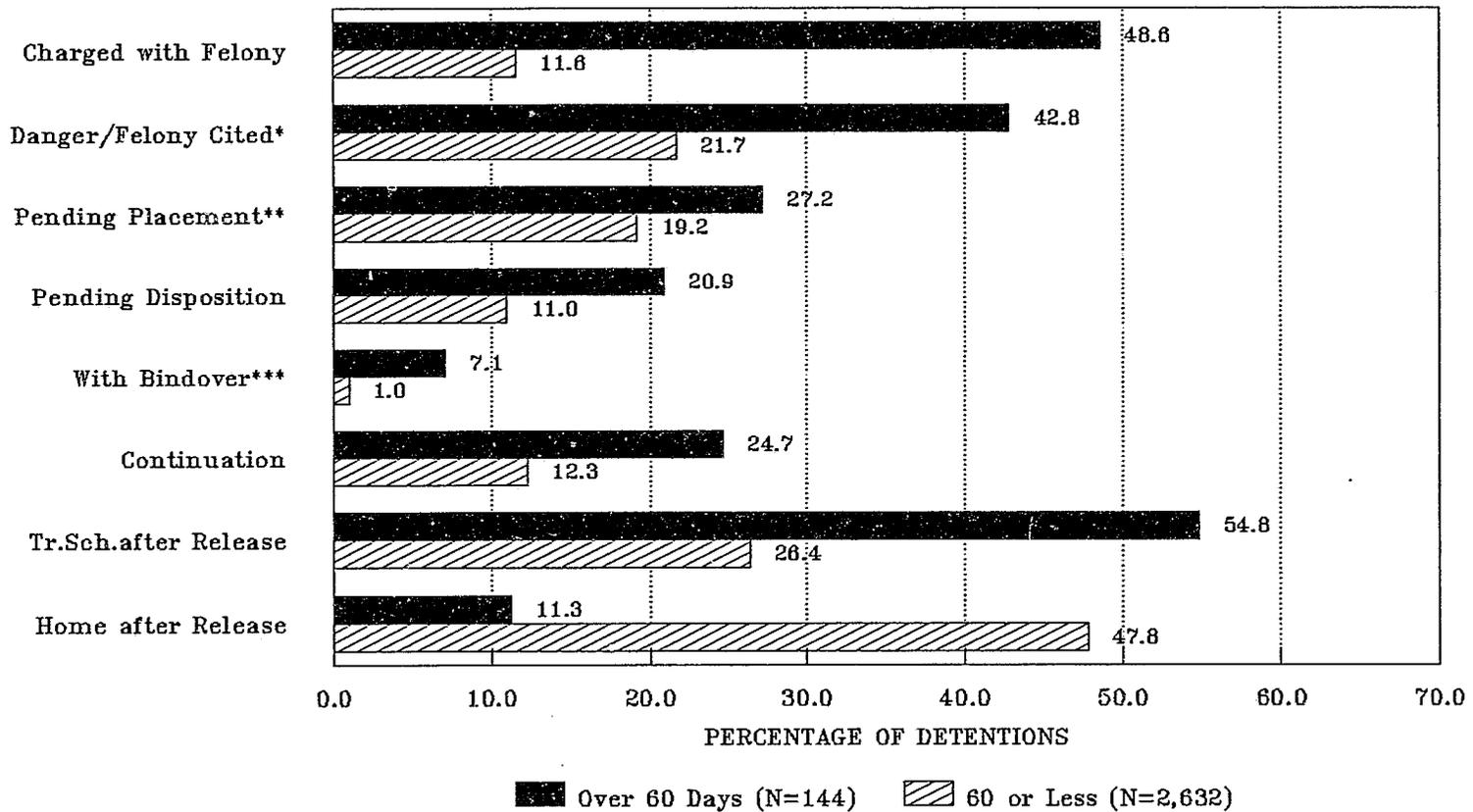
INDIVIDUAL CHILDREN
 (N=7,853)

31%	61+ days
28%	31-60 days
14%	21-30 days
13%	11-20 days
7%	6-10 days
7%	0-5 days

UTILIZATION (CHILD-DAYS)
 (N=123,617)

*Minimum follow-up 120 days, each deten.

Figure 7.
 Detentions of Children Held Over 60 Days
 Compared to Other Detentions (Jan-Oct93)



*As grounds for detention
 **Usually in training school
 ***Transfer to superior court

Appendix

NORTH CAROLINA ADMINISTRATIVE OFFICE OF THE COURTS
STUDY OF JUVENILE SECURE CUSTODY ORDERS
(Required by N.C. Session Laws, 1993, Ch. 561, § 87)

INSTRUCTIONS TO COURT COUNSELORS
FOR COMPLETING DATA FORM

Purpose of study. The AOC's study of juvenile secure custody orders is required by state legislation. Its purpose is to examine the circumstances of all instances of secure custody during 1993. Court counselors are being asked to fill out the court-related portion of the data form because they have the best knowledge and records.

Data form. You will receive data forms for each instance of admission to secure custody in a state-licensed secure juvenile detention facility in 1993 that was ordered by the district court in each county of your judicial district. The forms for each county are in order by name. *Please fill out both sides of the form, front and back. Please write legibly.*

Multiple admissions for the same child. If a juvenile was admitted to secure custody more than once in 1993, there will be more than one form for him/her; different dates of admission or release will appear on these forms. *Each such form needs to be filled out with information that pertains specifically to that particular instance of secure custody for that juvenile.*

Preprinted information. At the top of the first page of the form there is information extracted from Department of Human Resources detention records including the name, date of birth, sex, and race of the juvenile, the county whose district court ordered the secure custody, the dates of admission and release, and the name of the DHR-licensed detention facility. If no release date is shown, it means that the release had not occurred by the time the information was read from the DHR files.

Sources of information. Use information from your records and your personal knowledge. If necessary, consult court records. In some cases, you may need to confer with the judge who ordered the secure custody.

Judicial district and court file number. Please fill this in from your records or court records.

Date of first petition/motion. This is the date of filing of the petition, or motion to review probation, associated with this particular instance of secure custody. If there was more than one such petition or motion, use the date of the earliest.

Nature of offenses alleged. Check each blank that applies to the petition or motion associated with this instance of secure custody. If there was more than one petition or motion associated with this instance of secure custody, consider the offenses alleged on *all* such petitions or motions and *check all the blanks that apply*. For example, if the juvenile was charged with an offense that would be shoplifting if committed by an adult (a misdemeanor), check the misdemeanor blank. If both a felony and a misdemeanor were charged, check both the felony and misdemeanor blanks. If undisciplined behavior was alleged, indicate which kind. If you check the "other" blank, please write in the nature of the offense.

Type of crime or infraction. Check each offense type that applies; there may be more than one type. As explained in the previous paragraph, consider all petitions or motions connected with this particular instance of secure custody. *Violent offenses* include murder, manslaughter, and any other kind of assault -- for example, rape, robbery, and any charge that includes the word "assault." *Property offenses* include larceny, breaking or

entering, burglary, shoplifting, vandalism, and other crimes against people's property. **Sex offenses** include forcible acts as well as "statutory" offenses where the victim's consent is irrelevant. For a sex offense like forcible rape or forcible sexual offense, 1st or 2d degree, which involves assault, check both the violent offense blank and the sex offense blank. For an offense like statutory rape or statutory sexual offense, check sex offense but not violent offense. **Drug offenses** include sale, possession, distribution, manufacture, possession of paraphernalia, and all other drug crimes. **Motor vehicle offenses** include DWI, driving without a license, and all other motor vehicle or traffic offenses or infractions. If none of the blanks seems to fit, check "**other offense**" and write in a description.

Probation violation, conditional release violation, and absconding from training school. Check any of these blanks that applies to the petition(s) or motion(s) associated with this instance of secure custody.

Example: probation violation with new criminal act charged. Suppose the juvenile is ordered to secure custody in connection with a motion to review probation, where he/she allegedly not only violated probation but was charged with a new criminal act -- felonious breaking or entering. Under *nature* of offense, check felony; under *type* of offense, check property offense; also check the blank for probation violation.

Juvenile's waiver of right to hearing. Check this blank if the juvenile waived the right to any hearing concerning this admission to secure custody.

Types of secure custody orders issued. Note that a single period of secure custody may involve one or more secure custody orders issued by the district court. Check *each type* of order that was issued in connection with this particular period of secure custody. For example, if the juvenile went to secure custody on an initial order entered at a hearing, check that blank, and if he/she was *kept* in secure custody by an order for continued secure custody within five days of the initial hearing, check that blank as well.

Grounds for court's order. Using your records, court records, and personal knowledge, check *each* applicable ground (reason) for the secure custody order(s) issued in connection with this period of secure custody. Use the space at the end of the form if you need to explain.

Interstate Compact. Check this blank if the admission to secure custody occurred under the Interstate Compact.

Other information. Please print your name, area code, and telephone number in the spaces provided.

Comment or explanation. Use the space provided for comments or explanations, or to describe special or unusual circumstances, especially where the child was in custody for an unusually long time. Examples of unusual circumstances might include an extensive prior record, an abusive home situation, psychological problems, or drug abuse. Attach an additional sheet if necessary. **Please write legibly.**

North Carolina Administrative Office of the Courts Study of Juvenile Secure Custody Orders
(Required by N.C. Session Laws, 1993, Ch. 561, § 87)

NOTE: One form must be completed for each admission to secure custody;
in some instances there will be more than one form per child.

DHR INFORMATION ON THIS ADMISSION:

DHR admission (form) no: 55292 DHR client no: MCCI042678
County name: MECKLENBURG AOC county number: 590
Juvenile's name: DOB:04/26/78 Sex:MALE Race:BLACK

Admitted: 03/20/93 Released: 03/22/93 STUDYNUM: 1501
Facility: Gatling Facility number: 05

THIS PORTION OF FORM IS TO BE FILLED IN BY COURT COUNSELOR

Judicial district: _____ Court file number: ____ J _____ (Fill in year and number)

Date of first petition/motion associated with this admission to secure custody: ____/____/____(month, day, year)

Nature of offense(s) alleged on petition or motion, including offenses
alleged while on probation or conditional release (check each one that applies):

- Felony if committed by adult
- Misdemeanor if committed by adult
- Infraction if committed by adult
- Undisciplined behavior: truancy
- Undisciplined behavior: beyond disciplinary control of parent or guardian
- Undisciplined behavior: runaway
- Other undisciplined behavior: _____

If offense(s) would be criminal or infraction for adult, indicate type (check each type that applies):

- Violent offense (involving assault against persons--includes homicide, rape, robbery, and other assaults)
- Property offense (involving larceny, breaking or entering, shoplifting, vandalism, etc.)
- Sex offense
- Drug offense
- Motor vehicle offense
- Other offense: _____

Check if this admission to secure custody was ordered in connection with any of the following:

- Probation violation Conditional release violation Absconding from training school

Check here if juvenile waived the right to any hearing concerning this admission.

Which types of secure custody orders were issued in connection with this admission? (check each order issued):

- Initial order without hearing
- Initial order entered at hearing
- Order for continued secure custody within five calendar days of initial hearing on custody
- Order for continued secure custody within seven calendar days of subsequent hearing on custody
- Order for secure custody pending disposition hearing
- Order for secure custody pending placement of adjudicated delinquent under G.S. 7A-574(c) and -649
- Order for confinement in detention facility as a disposition for adjudicated delinquent under G.S. 7A-649(7)
- Other type of order (please explain in space provided at end of form)

Admission Data

CLIENT TRACKING

1. EMPLOYEE NAME <input style="width:100%; height:20px;" type="text"/>	FORM PART 1	No 59400 2 _____ 6	2. FACILITY CODE <input style="width:20px; height:20px;" type="text"/>	3. CLIENT NAME: LAST <input style="width:100%; height:20px;" type="text"/>	FIRST INITIAL <input style="width:20px; height:20px;" type="text"/>	MIDDLE INITIAL <input style="width:20px; height:20px;" type="text"/>
4. ENTRANCE DATE <input style="width:100%; height:20px;" type="text"/> MO DAY YR 25 _____ 30	5. ENTRANCE TIME <input style="width:100%; height:20px;" type="text"/> HR MIN 31 _____ 34 A.M. P.M. (One must be checked) 1 <input style="width:20px; height:20px;" type="text"/> 2 <input style="width:20px; height:20px;" type="text"/> _____ 35	6. DATE OF BIRTH <input style="width:100%; height:20px;" type="text"/> MO DAY YR 36 _____ 41	7. SEX (check correct box) MALE FEMALE 1 <input style="width:20px; height:20px;" type="text"/> 2 <input style="width:20px; height:20px;" type="text"/> _____ 42	8. RACE (Check correct box) WHITE BLACK INDIAN OTHER 1 <input style="width:20px; height:20px;" type="text"/> 2 <input style="width:20px; height:20px;" type="text"/> 3 <input style="width:20px; height:20px;" type="text"/> 4 <input style="width:20px; height:20px;" type="text"/> _____ 43		
9. COUNTY CODE <input style="width:100%; height:20px;" type="text"/> 001-300 44 - 46	10. REASON FOR DETENTION (Enter number of correct response): 1 - STATUS 2 - DELINQUENT (BEFORE DISPOSITION) 3 - DISPOSITIONAL - INTERMITTENT 4 - DISPOSITIONAL - 30 DAYS OR LESS 5 - RETURN FROM RUN 6 - OTHER <input style="width:20px; height:20px;" type="text"/> 47		11. *IF DELINQUENT OFFENSE, INDICATE TYPE(S). (Check each response that applies) PERSON PROPERTY OTHER 1 <input style="width:20px; height:20px;" type="text"/> 1 <input style="width:20px; height:20px;" type="text"/> 1 <input style="width:20px; height:20px;" type="text"/> 48 49 50 Violation Of Probation 1 <input style="width:20px; height:20px;" type="text"/> 51			

White Copy - DYS Central Office

Termination Data

White Copy - DYS Central Office

Yellow Copy - Detention Facility File

1. EMPLOYEE NAME <input style="width:100%; height:20px;" type="text"/>	FORM PART 2	No 59400 2 _____ 6	2. EXIT DATE <input style="width:100%; height:20px;" type="text"/> MO DAY YR 7 _____ 12	3. EXIT TIME <input style="width:100%; height:20px;" type="text"/> HR MIN 13 _____ 18 A.M. P.M. (One must be checked) 1 <input style="width:20px; height:20px;" type="text"/> 2 <input style="width:20px; height:20px;" type="text"/> _____ 17
4. PLACEMENT (LIVING ARRANGEMENT) UPON EXIT (Enter number of correct response) 0. Parents 1. Other relatives guardian 2. Family Foster Home 3. Group home 4. Residential Child Care Institution 5. Training school 6. Camp 7. Residential MH/MR Facility 8. Commitment - 30 days or less 9. Other/Unknown <input style="width:20px; height:20px;" type="text"/> 18	5. DISPOSITION (Check each response that applies) TRAINING SCHOOL JAIL DSS JUVENILE COURT CASE DISMISSED PROBATION PROBATION CONTINUED 1 <input style="width:20px; height:20px;" type="text"/> 1 <input style="width:20px; height:20px;" type="text"/> 19 20 21 22 23 24 25 REVOCATION OF TRANSFERRED TO INTERMITTENT COMMITMENT - OTHER UNKNOWN CONDITIONAL SUPERIOR DETENTION 30 DAYS OR LESS RELEASE COURT 1 <input style="width:20px; height:20px;" type="text"/> 1 <input style="width:20px; height:20px;" type="text"/> 26 27 28 29 30 31			
6. SERVICES RECEIVED WHILE AT FACILITY (Check each response that applies) ROUTINE MEDICAL CARE EMERGENCY MEDICAL CARE DENTAL CARE PSYCHOLOGICAL SERVICES PSYCHIATRIC SERVICES 1 <input style="width:20px; height:20px;" type="text"/> 1 <input style="width:20px; height:20px;" type="text"/> 32 33 34 35 36		7. INCIDENTS WHILE AT FACILITY (More than one may apply. For each type of incident, specify actual number of incidents from 0 to 9) ISOLATION/DISCIPLINE ISOLATION/MEDICAL RUNAWAY ACCIDENTAL INJURY SELF-INFLICTED INJURY OTHER <input style="width:20px; height:20px;" type="text"/> <input style="width:20px; height:20px;" type="text"/> 37 38 39 40 41 42		
8. EVALUATION REPORT(S) COMPLETED DURING STAY? (Check if yes and complete questions 9 and 10; Leave blank if no and skip questions 9 and 10) <input style="width:20px; height:20px;" type="text"/> 43	9. SOURCE OF EVALUATION REPORT(S) (Check each response that applies) PHYSICIAN PSYCHIATRIST PSYCHOLOGIST Willie M. 1 <input style="width:20px; height:20px;" type="text"/> 1 <input style="width:20px; height:20px;" type="text"/> 1 <input style="width:20px; height:20px;" type="text"/> 1 <input style="width:20px; height:20px;" type="text"/> 44 45 46 47		DETENTION EVALUATION COMMITTEE 1 <input style="width:20px; height:20px;" type="text"/> 48	
10. SPECIAL PROBLEMS RECORDED (Check each response that applies) Substance Abuse Sexual Abuse LEARNING DISABLED PREGNANT EPILEPTIC OTHER 1 <input style="width:20px; height:20px;" type="text"/> 1 <input style="width:20px; height:20px;" type="text"/> 49 50 51 52 53 54				

About the Author

A member of the Institute of Government faculty since 1971, Stevens H. Clarke has published widely in the area of criminal justice. His subjects include law regarding sentencing, prisons, probation, and parole; alternative dispute resolution; analysis of policies concerning administration of justice; and evaluation of programs affecting the courts, criminal justice, and corrections.

Other Institute of Government publications by Stevens H. Clarke:

Court-Ordered Arbitration in North Carolina: An Evaluation of Its Effects

Stevens H. Clarke, Laura F. Donnelly, and Sara A. Grove. 1989

[89.13] ISBN 1-56011-158-5. \$11.00 plus 6% tax for North Carolina residents.

Law of Sentencing, Probation, and Parole in North Carolina

Stevens H. Clarke. 1991 (with 1993 and 1994 supplements)

[LSPP] ISBN 1-56011-191-7. \$27.50 plus 6% tax for North Carolina residents (price includes both supplements).

1993 supplement only. [91.04A] ISBN 1-56011-257-3. \$6.50 plus 6% tax for North Carolina residents.

1994 supplement only. [91.04B] ISBN 1-56011-227-1. \$7.50 plus 6% tax for North Carolina residents.

Mediation of Interpersonal Disputes in North Carolina: An Evaluation

Stevens H. Clarke, Ernest Valente, Jr., and Robyn R. Mace. 1993

[92.05] ISBN 1-56011-208-5. \$15.00 plus 6% tax for North Carolina residents.

North Carolina's Community Penalties Program

Laura F. Donnelly and Stevens H. Clarke. 1990

[90.02] ISBN 1-56011-160-7. \$7.00 plus 6% tax for North Carolina residents.

Recidivism of Criminal Offenders Assigned to Community Correctional Programs or Released from Prison in North Carolina in 1989

Stevens H. Clarke and Anita L. Harrison. 1991

[92.02] ISBN 1-56011-204-2. \$11.00 plus 6% tax for North Carolina residents.

Other Institute of Government publications related to juvenile law:

Enforcement and Modification of Out-of-State Child Support Orders

John L. Saxon

Special Series No. 13. 1994

ISBN 1-56011-267-0. \$9.50 plus 6% tax for North Carolina residents.

North Carolina Juvenile Code and Termination of Parental Rights Statutes: As amended by the 1993 session of the General Assembly

Preface by Janet Mason. 1994

[94.04] ISBN 1-56011-272-7. \$10.00 plus 6% tax for North Carolina residents.

North Carolina's Revised Child Support Guidelines

John L. Saxon

Family Law Bulletin No. 4. August 1994

\$3.50 plus 6% tax for North Carolina residents.

Res Judicata and Collateral Estoppel in Paternity and Child Support Cases

John L. Saxon

Special Series No. 9. 1993

ISBN 1-56011-253-0. \$6.00 plus 6% tax for North Carolina residents.

Call the Institute of Government Publications Office at (919) 966-4119
for more information on these and other publications.
