

EXECUTIVE SUMMARY

**EQUITABLE TREATMENT OF
MINORITY YOUTH**

*A Report on the Over Representation of
Minority Youth
in Arizona's Juvenile Justice System*

**Arizona Juvenile Justice Advisory Council
Minority Youth Issues Committee**

July 1993

**Governor's Office for Children
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EQUITABLE TREATMENT OF MINORITY YOUTH

EXECUTIVE SUMMARY

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The forums would not have been possible without the dedication and organization provided by the grass roots mobilizers. We extend our gratitude to them for their willingness to give of their time and talent on behalf of our children:

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The businesses, who through your donations of snacks, refreshments and /or supplies, helped us to break the ice and work with our community on explanations and solutions to the problem of over representation of minority youth in our juvenile justice system.

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...to the schools and agencies who donated their facilities, thank you for your generous support of the Equitable Treatment of Minority Youth Community Forums. Your willingness to donate your facility helped us to work with our community on solutions to the problem of over representation of minority youth in our juvenile justice system.

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Phoenix Preparatory Academy Annex
Creighton Middle School
Agape Christian Church
El Rio Neighborhood Center

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Foreword

This Executive Summary represents a synopsis of the complete report submitted to the Arizona Juvenile Justice Advisory Council Minority Youth Issues Committee in June 1993. The summary attempts to cover the major findings of the Equitable Treatment of Minority Youth Project. However, as with all summaries, certain details have been omitted for the sake of brevity.

The members of the research team involved in the Assessment of Data Capabilities and the Statistical Analysis of Decision-Making Outcomes included:

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Too often, we fail to acknowledge the complexity of our children's services systems and the complexity of juvenile justice research. As you will see in this report, the researchers have taken great pains to emphasize the limitations of the research design and the limitations of data availability. Readers are cautioned to avoid the temptation to leap to conclusions that cannot be supported by the research model. Yes, there are important findings in this study, but there is still much we do not know.

The researchers also emphasize that the study does not address activities or factors that occur before youth enter the juvenile justice web. Clearly, decisions made by

law enforcement agents, school officials, social service providers and others have great impact on the fate of minority youth. Further analyses of these "front end" variables require substantial time, money and quality data. Unfortunately, none of these resources are available at present.

In the complete report, the researchers emphasize the willingness of the juvenile courts, law enforcement agencies, and others to share information concerning the treatment of youth of color. This willingness reflects a sincere concern on behalf of system administrators, judges, and other persons to find out what is happening to minority youth in Arizona's juvenile justice system. Clearly, many of our juvenile justice and law enforcement leaders want equity for all children.

This study is an important step, but it is not the final goal of this project. Too often, those of us in juvenile justice and other human services "declare victory" before the real work begins. This study offers an initial road map that should spur us to action. The future of many children and, arguably, the future of Arizona's juvenile justice system is at stake.

Gene Siegel, Consultant

"Have you been to my neighborhood? There are no Big Brother-Big Sisters in my neighborhood. There are no YMCAs in my neighborhood. There are none of those things in my neighborhood. We need more alternatives for youth, more positive alternatives! If they really want to change something, come down to my neighborhood, see what's not there, okay?"

Anonymous High School Student

Introduction

Minority youth are in the majority in Arizona's juvenile justice system. At all stages of the juvenile justice process¹, the percentage of minority youth is greater than their percentage in the general youth population. This fundamental fact of over representation is widely acknowledged and controversial, especially in regard to youth who are detained after being arrested by police and youth who are incarcerated in juvenile institutions.

The objectives of the Arizona Equitable Treatment of Minority Youth Project are to research the over representation of minority youth, to assist the community and juvenile justice agencies in addressing over representation, and, ultimately, to facilitate programmatic change.

The purpose of this study was to examine the extent to which race and ethnicity influence decision making within the juvenile justice system and to examine the extent to which these factors influence the interactions between youth, parents, community members, and individuals working within the juvenile justice system. Two complementary approaches were used, one "quantitative" and one "qualitative":

- statistical evidence was gathered and analyzed to assess the extent to which minority youth are over represented in the juvenile justice system and to examine factors that may contribute to that; and,
- interviews were conducted with 185 individuals in Pima and Maricopa Counties, including juvenile justice personnel, private sector providers,

¹For the purposes of the Equitable Treatment Project, the juvenile justice process consists of a continuum ranging from initial arrest or referral (usually by law enforcement), intake screening by the court including the decision to detain or not, the decision to file formal charges (petition) or not by prosecutors, the adjudication process (determination of "guilt" or "innocence"), and disposition (the "sentence," which may include commitment to the State Department of Youth Treatment & Rehabilitation, probation or other disposition options). The juvenile court also determines whether or not a juvenile should be transferred to adult criminal court for processing.

parents, youth, youth advocates, and educators.

The first data discussed, descriptive statistics, provide comparisons of minority youth's percent in the population with their percent at decision points within the juvenile justice system. When the basis for comparison is their percent in the general population, the over representation of minority youth is widespread.

The research team involved in this study stress the importance of noting that the over representation is not universal, nor is it uniform. Most importantly, although these descriptive statistics provide an initial portrait, they are limited in their explanatory power because they deal with only one issue, the percent of a specific group of minority youth at specific decision points.

There are no variables or factors controlled in descriptive statistics; but the next portion of the quantitative research, multivariate analysis, did take many factors into consideration. Multivariate ("many variables") analysis considers diverse influences that may contribute to over representation and measures the impact of specific influences. This type of statistical analysis "holds constant" or "controls for" known influences, and estimates the impact of race and ethnicity while simultaneously holding constant such factors as age, gender, prior records, and seriousness of offense.

Fifteen multivariate analyses were conducted to examine specific decisions within the juvenile justice system. At eight of those decision points, race/ethnicity had statistically observable impacts that resulted in further juvenile justice system intervention. Minority youth were more likely than Anglo youth to receive outcomes that moved them further into the system, and these differences were present after many relevant factors were taken into account. This is highly problematic and disturbing for it suggests that race and ethnicity have independent and negative effects on youth's fate within the system.

In five of the multivariate analyses, race/ethnicity had no statistically observable effects. In the remaining two multivariate analyses, race/ethnicity had statistically observable effects, but the interpretation of decision makers' actions and the consequences for minority youth were unclear. The major findings of each multivariate analysis are covered in subsequent sections of this report.

The statistical analyses of Arizona data suggest several important points:

- Differential treatment exists at several specific junctures in the system and differential treatment exists that is not explained by factors such as seriousness of offense or number of prior referrals (for example, see discussions covering the filing of petitions in Maricopa County for youth not on probation and the filing of petitions in Pima County for youth charged

with misdemeanors).

- Differential treatment is not the same for all minority juveniles; impacts vary with minority group. Research findings throughout the statistical analysis show differences between minority groups.
- The nature and extent of differential treatment varies from county to county and from agency to agency.
- The effects of differential treatment are cumulative: decisions at one stage influence subsequent decisions.
- The distinction between legitimate and illegitimate influences on case processing is often blurred; factors frequently considered as legitimate in decision making (such as number of prior arrests) may be highly correlated with race.
- It is important to examine the extent to which process (i.e., the structure of the decision-making system itself, including options available) influences case outcomes.
- It is extremely important to encourage and assist all those who deal with juveniles in examining what information is available and, where information is unavailable, initiating systems for comprehensive data gathering and analysis.
- There is a high level of commitment to addressing the over representation of minority youth, as evidenced by the positive response of juvenile justice agencies and the strong commitment of committee members.

The central importance of the statistical analyses is that it documents the problem and the need for change. These statistics, however, deal only with specific decision points for the year 1990; they do not provide a "final word." More important than these specific statistics is the commitment of juvenile justice agencies to provide such information routinely for a basis for their policy making as well as for review and response by the community. The primary value of the statistical analysis is to initiate discussion and assist in effecting change.

This discussion was extended in the second segment of the research by conducting extensive interviews with 185 individuals within Maricopa and Pima Counties. Its primary purpose was to listen to voices heard too infrequently in discussions of juvenile justice policy making, particularly the voices of parents, youth, and juvenile justice personnel. These discussions focused on what people outside and inside the juvenile justice system perceive as current problems and what they

suggest as possible options to address these issues.

Discussants inside and outside the juvenile justice agencies reported that the system falls far short of the goal of equitable treatment of youth of color, and fails to focus on the specific needs of these youth, their families and their neighborhoods. A number of primary areas of concern were identified in the analysis of the interviews. Major themes included:

- Feelings of system-wide discrimination against youth of color.
- System barriers to effective parental advocacy on behalf of system-involved youth.
- Inadequate language skills and cultural understanding among system administrators and field staff.
- The withdrawal of juvenile justice system agencies from contact and involvement in poor neighborhoods.
- The crisis in neighborhood-based educational, vocational, cultural, recreational, employment, medical and behavioral health resources for youth of color.
- Lack of appreciation of the influence of the family and the need for family-oriented treatment for youth of color.
- The problem of gang labelling by system officials, and lack of understanding of reasons for actual gang involvement.

- The view that consideration of prior police contacts and court referrals as major determinants in case-handling decisions is a racially discriminatory practice.
- The attitude of youth toward system agencies and practices, and the need to involve youth directly in system policy making.
- The problem of limited system resources and the critical need for improved coordination among system administrators in the allocation of resources.

Clearly, substantial progress is being made in the juvenile justice systems of both counties and the Department of Youth Treatment and Rehabilitation (DYTR) in addressing many of the concerns covered in this project. But it must also be acknowledged that these efforts have not received the level of support necessary to effectively confront the problem of inequitable treatment. It is essential that these efforts receive systematic, long-term support from the public, juvenile justice and social service agencies, and elected officials. It is critical that the needs of Arizona's youth be established as a matter of highest priority in the public policy arena, and that we include the equitable treatment of minority youth as a major component of that priority.

It is also imperative to acknowledge the complexity of this issue, including the interconnectedness of the juvenile justice system with other social services. Issues of social class and poverty are inextricably bound with issues of race and ethnicity. Juvenile justice agencies must recognize the wisdom and human resources that exist within minority communities and employ them in implementing interventions that will work.

Background

The Juvenile Justice Delinquency Prevention Act

The Juvenile Justice Delinquency Prevention (JJDP) Act was passed by Congress in 1974 as reform legislation to improve conditions for juveniles in the juvenile justice system. In 1988, a number of amendments were added to the Act including one that emphasized the need for states to address the disproportionate numbers of minority youth in secure confinement. In 1989, OJJDP instructions to the States divided the process into two phases. Phase One requires a preliminary examination of over representation. If a problem with over representation is identified, then a Phase Two strategy must be prepared addressing the reasons for disproportionate confinement and the development of alternative programs equally available to all youth regardless of race or ethnicity.

In October, 1991, the Governor's Office for Children was awarded a discretionary federal grant for the Equitable Treatment of Minority Youth Project. Arizona was one of five states funded for the project. The Arizona project has been divided into two 18 month phases. Phase One focused on the collection and analysis of data and concluded with the research report. The end products of this research are the review and development of policies, procedures, practices, and resources to address the needs identified by the data. Phase Two will involve the implementation of the policies, procedures, practices, and resources.

Assessment of Data Capabilities

In consort with the national initiative, preliminary emphasis was placed on data available for the year 1990. However, an overriding concern of the project subcommittee was to determine what systematic data collection existed or could be established for the future of juvenile justice within Arizona. A primary objective was to encourage all juvenile justice agencies to include assessment of minority over representation in their routine analyses, thus augmenting existing systems and, where none existed, establishing information systems with this capacity. The second objective was the analysis of major decision points within juvenile justice agencies.

Data Capabilities within the Juvenile Courts

Approximately 80 percent of all minority juveniles in Arizona reside within Maricopa and Pima Counties. The most populous county, Maricopa, has one of the most sophisticated computerized data systems in the nation. The development of JOLTS ("Juvenile On-Line Tracking System") within this county has provided a model for data collection and analysis. The second most populous county, Pima, has recently implemented JOLTS. Juvenile Court officials in Pima County seek to maintain a data collection and analysis system sensitive to differential treatment issues. JOLTS is currently being installed in all Arizona counties, a development that should permit fuller access to a complete statewide database.

Data Capabilities within Law Enforcement Agencies

Law enforcement agencies within the two most populous counties have computerized capacities corresponding to annual FBI reporting, including distribution by race and ethnicity of persons arrested. Important data that are not available, or are not readily available, are those reflecting which youth came into contact with police but were not arrested.

When encountering youth, law enforcement officials have numerous options, the most severe of which is to take a youth into custody and refer him or her to the juvenile court. Numerous other alternatives do not result in youth being

integrated further into the juvenile system. Such options are not unlimited, but they are extensive. Police also make the important decision of whether or not youth should be taken to the juvenile detention center for possible secure detention prior to court hearings on allegations of delinquency or incorrigibility.

Individual police officers do not have unlimited latitude in choosing between options. Nevertheless, individual decision makers exercise considerable discretion in the implementation of official guidelines and in choosing among options. Law enforcement encounters with youth initiate the interactions between youth and the juvenile justice system. Therefore, they are extremely important in assessing the extent and origins of over representation. Unfortunately, data regarding such decisions are confined to non-computerized logs or informal records.

Administrators of the City of Phoenix Police Department indicated a willingness to make such records available, but the cost of such an undertaking was prohibitive.

As the descriptive data shows, minority youth are over represented in arrests and referrals to juvenile courts. Since data regarding law enforcement exercise of discretion are not available, it is impossible to examine the extent to which this is the reflection of police decisions, parental and community decisions, or youth behaviors. The lack of such data greatly limits the quantitative piece of this analysis.

Data Capabilities within the Department of Youth Treatment & Rehabilitation (DYTR)

In addition to juvenile court data, the Minority Youth Issues Committee of the Arizona Juvenile Justice Advisory Council sought information regarding over representation in DYTR. The original DYTR computerized case histories analyzed by the subcommittee were obtained from the Arizona Department of Corrections data unit. The subcommittee determined that these data were not sufficiently reliable. New information, based on data gathered by the chair of DYTR's Youth Hearing Board, was entered and analyzed by the research team. These data provide descriptive statistics regarding the 668 youth committed to DYTR in the first eight months of 1992, as well as information regarding the 2,475 parole revocation decisions made by DYTR personnel between January 1991, and August 1992.

DYTR is in the process of designing and implementing a new management information system and is committed to including data relevant to the thorough assessment of the case histories of all youth committed to DYTR including internal decision-making and over representation. The new system will be linked with JOLTS to enhance coordination with juvenile court data analyses.

Quantitative Data Analysis: Methodology

Defining the Concept of Over Representation

The concept of over representation is frequently based on a comparison of minority youth's representation at a specific point in the juvenile justice system and their representation within the general youth population. Minority youth are arrested, taken to court, incarcerated, and transferred to adult courts at rates higher than their percentages in the population.

More precise and instructive analyses are possible when we compare the percent of minority youth that reach a specific point in the system with the percent that continue beyond that point, thus moving further into the juvenile system. These analyses assess over representation using those juveniles who were actually eligible or at risk for a specific action or sanction.

Emphasis on Clearly Identified At Risk Populations

All states involved in this project have been requested to use 1990 data in their analyses. The use of a consistent time-frame allows for the comparison of information among the five funded sites. In addition, the use of 1990 data allows jurisdictions to compare the proportion of minority juveniles in the system with proportion of minority juveniles in the general population reflected in the 1990 U.S. Census.

The identification of the at risk population is a pivotal issue for this research. At each decision point, this study asks whether or not minorities are more likely than Anglos to continue further in the juvenile justice system. When at risk populations are identified more generally, it is possible to assess over representation, but it is more difficult, or impossible, to identify which specific decisions and decision makers have contributed to the over representation. Pinpointing the origin of such over representation includes several groups of decision makers and, therefore, is less useful as a guide for the review of specific decisions and consideration of alternative policies and procedures. It is important to note that for numerous crucial steps in the decision-making process, the most appropriate at risk groups of juvenile can be identified, but data are not available to make the comparison.

Whether or not a juvenile is at risk, for example, for secure confinement depends on a complex series of decisions made both inside and outside the juvenile justice system. For example, juvenile court judges cannot decide to transfer a juvenile to adult criminal court unless the transfer is requested by the county attorney's office. Thus, the entire juvenile justice system can be viewed as a funnel with the at risk population getting smaller and smaller as the result of decisions being made at each stage.

To determine the precise decision points that result in the disproportionate incarceration of minority youth, it is necessary to define each decision point clearly and to identify precisely all youth who are impacted by that decision.

Selection of Cases for Study

In the analyses for Arizona, no cases have been selected out or excluded from the analyses of each at risk group. This requires more time in analysis but, importantly, it avoids the problem of selection bias or sample error, both of which reduce the rigor and validity of findings. The data subcommittee decided against sampling and has analyzed all cases at each decision-making point.

Defining Race and Ethnicity

The precise and uniform definition of the concepts of race and ethnicity, so crucial to this initiative, is difficult. Definitions and usage's of race and ethnicity vary depending upon the source of information. Researchers could not control the definitions used by agencies nor the way in which racial/ethnic identification was made. However, it is essential to acknowledge the variations in classification schemes used by different agencies.

Initial Descriptive Statistics

The first step in the data analysis covered the percent of juveniles at each step in the process who are minority youth and the percent who are Anglo. These statistics show the number of youth involved and present the data in percent format. These percentages provide an important preliminary view of the situation, but they do not take into account any factors other than race/ethnicity. For example, factors such as seriousness of offense or number of prior referrals are not taken into account.

Multivariate Analysis

To take into account diverse influences and to measure the impact of specific influences, the researchers employed multivariate ("many variables") analysis. This type of statistical analysis controls for known influences. It discloses the extent to which race and ethnic identity influence outcomes when other available issues have been taken into account.

The researchers stress the importance of recognizing the strengths and weaknesses of multivariate analysis. Major benefits include the ability to examine specific decision points and the ability to assess the extent to which decisions exacerbate racial/ethnic disparity or do not contribute to further disparity. Limitations of such quantitative assessments include the ability to examine only those variables that are

available and measurable. As noted, many important decision-making factors are difficult to measure or are unavailable. Readers are encouraged to review the original report for further delineation of the strengths and weaknesses of quantitative measures.

Statistical Techniques

This study analyzed the effectiveness of a limited number of characteristics in predicting a decision. It could not determine what characteristics any specific decision maker had in mind when he or she was deciding a case. The researchers, however, assumed that if a particular variable was related to the decision outcome, then it was likely the decision maker was influenced by that characteristic. There is always the possibility, however, that individual decision makers were influenced by some unknown characteristics (e.g., the unique circumstances of a specific case, personal bias or belief, etc.). These unknown factors can impact decisions in particular cases. Thus, interpretations of this research should be made in terms of general patterns, not in relation to any specific decision maker.

Quantitative Analysis: Findings

Descriptive Statistics: Proportions

The over representation of minority youth is widespread when the basis for comparison is their percent in the population. Minority youth are over represented in: arrests by police; referrals to court; confinement in juvenile detention prior to determination of "guilt" or "innocence"; the filing of official charges (petitions) by prosecutors; commitment to DYTR; and transfer to adult courts. Graphs illustrating key descriptive statistics in Pima County, Maricopa County, and DYTR can be found in the Appendix of this report.

An Overview of the Data: Pima County

In 1990, there were 10,316 referrals to the juvenile court involving 6,804 youth. 52.8% of youth referred were Anglo, 35.8% Hispanic, 8.5% African American, and 2.9% Native American.

Compared to their proportion in the general population (55%), Anglo youth were slightly under represented at arrest (54%), and slightly more likely to be diverted or adjusted. They were also under represented in the detention population (46%), petition population, and among commitments to DYTR (37%).

Hispanic youth were represented rather proportionately among arrests (36%), referrals, petitions, and detentions with possible over representation in commitments to DYTR (46%).

African American youth appeared to be over represented at every decision point, despite the fact that they made up a very small percentage (4%) of the general population.

Native American youth in Arizona fall under multiple jurisdictions (tribal courts, the federal government, and Arizona's juvenile courts). Because these statistics reflect only the actions of the juvenile court system, not the other jurisdictions, Native American youth were under represented at almost all decision points.

Again, the key limitation of the descriptive analysis is that no variables are controlled. Looking at profiles of youth in Pima County, African American youth showed a slightly greater pattern of delinquent activity. Overall, under 3% of youth were charged with a felony against persons, but 4.8% of African American youth had this charge. 72% of African American youth referred to the court had been previously detained compared to 40% overall.

An Overview of the Data: Maricopa County

In Maricopa County, there were 29,031 referrals to the court in 1990: 56 percent involved Anglo youth; 29.7 percent, Hispanics; 10.6 percent, African Americans; and 2.9 percent, Native Americans. Research undertaken by Bill McCarthy, Maricopa County Juvenile Court Center, estimated the proportion of young people who would have a record by age 17. This analysis indicated that 70.8 percent of African American males are likely to be referred to juvenile court in Maricopa County by age 17. For Anglo males, 38.9% are likely to be referred to the juvenile court by the time they are 17. For Hispanic males, 42.9 percent are likely to have a record by the time they are 17, 4.1 percent more likely than Anglos.

Compared with their proportion in the population (68 percent in Maricopa County), Anglo youth were under represented at all points in the juvenile justice process, from arrest through DYTR commitment and transfer to adult court.

Hispanic youth comprised 24% of the 1990 general youth population in Maricopa County and were represented proportionately among arrests and transfers to adult court. They were over represented at referrals to court (30%), detention (37%), and commitment to DYTR (44%). Their proportion in the probation population was slightly greater than their proportion in the referrals to court.

African American youth constituted 4% of the youth population in 1990 and were over represented at all points in the system. 10% of juvenile arrests involved

African Americans, 16% of detentions, 18% of commitment to DYTR, and 25% of transfers to adult court.

Native American youth were 2% of the population in Maricopa County and their representation was proportionate at arrests and probation. They were over represented at referrals (3%), detention (4%), commitment to DYTR (3%), and transfer to adult court (3%). Again, statistics for Native Americans youth were limited to cases processed in Maricopa County.

An Overview of the Data: Department of Youth Treatment & Rehabilitation

DYTR provided statewide information on commitments for the first eight months of 1992. They also made available information on DYTR decisions whether or not to revoke or reinstate the parole of juveniles. Descriptive data was compiled on 668 juveniles committed to DYTR throughout the state during the first eight months of 1992 as well as information on 2,475 parole revocation decisions from January 1991 through August 1992.

Minority youth were over represented in the 668 juveniles committed to DYTR. 36% of committed youth were Anglo, 44% were Hispanic, 13% were African American and 4% were Native Americans.

Compared to the rate at which they were committed to DYTR, African American youth who had been released from juvenile institutions and placed on parole were over represented among those juveniles who had their parole suspended. 17 percent of parole suspensions involved African Americans compared to 13 percent of DYTR commitments. Hispanic youth were slightly over represented with 45 percent of suspensions; Anglo and Native American youth were slightly under represented.

Once more, the percent distributions for new commitments to DYTR provide initial comparisons, but do not control for relevant factors other than race and ethnicity. No multivariate analysis is possible of judge's decisions for new commitments because data are not available to compare those committed to DYTR with those who were eligible but not committed. However, the information maintained by DYTR's Youth Hearing Board provided the bases for a multivariate analysis of the Board's decision making.

Multivariate Findings

As noted before, multivariate analysis assesses the impact of race/ethnicity while "holding constant" factors such as age, gender, prior record, and seriousness of offense. In effect, this statistical analysis discloses youth who are similar on all known factors except race/ethnicity. Primary goals in the multivariate analysis were to examine as many decisions for which information was available and to be as specific as possible regarding which juvenile justice decision-makers were involved. The information available for Maricopa and Pima Counties varied, so not all decision points examined could be analyzed in both counties.

The Detention Decision

As mentioned earlier, the researchers did not have information on youth who could have been arrested (the at risk group) but were not; nor was information available on those who could have been referred but were not. The first decision point that could be analyzed involved the decisions to detain or not.

The detention decision involves two distinct decisions: law enforcement officials must decide whether to bring the youth to detention, and detention intake screeners then decide whether to actually detain.

The first decision analyzed with multivariate analysis in Pima County was the decision to detain. In 1990, 40 percent of the youth referred to the court were brought by police to the court center for a decision regarding detention, and 60 percent of these were subsequently detained. Key findings covering the general detention decision in Pima County included:

- Native American youth are more likely than Anglo youth to be detained even when other variables have been controlled, but African American and Hispanic youth were not more likely than Anglos to be detained. Pima County officials believe the absence of telephones in many reservation homes may contribute to the higher rate of detention.
- The over representation observed in the descriptive data for African American youth (who constitute 8.5 percent of the referrals but 11.8 percent of the detainees) apparently is attributable to variables other than race.
- The average number of previous detentions was by far the most important predictive characteristic for immediate detention decisions. If a youth was detained previously, he or she was far more likely to be detained again. No other variables were truly strong predictors of detention.
- Subsequent analysis by Pima County authorities showed that the proportion

of minority youth among those actually detained mirrors their proportion among youth physically referred by the police.

- Police decisions that result in over representation among variables that predict physical referral and eventual detention (such as how serious the offense is, and whether police should simply warn the youth) are crucial to understanding the over representation of minority youth within the court system itself.

Detention Screeners' Decision to Detain in Maricopa County

The first decision point in Maricopa County examined through multivariate analysis was juvenile court detention screener's decision whether or not to detain a juvenile once the arresting agency requests detention. The initial decisions in the detention process, law enforcement decisions to bring youth to the juvenile court center and to request detention, are not under the purview of the juvenile court. The juvenile court in Maricopa County considers the detention only of those juveniles brought to its door.

Youth may be brought to detention for either discretionary or nondiscretionary detention; the former involves decision making by court personnel, the latter does not. Nondiscretionary detentions are primarily those ordered by judges and juvenile court commissioners. In discretionary detention cases, those examined in this analysis, the juvenile was brought to detention by the referring law enforcement agency as the result of a referral alleging a violation of a law. The detention screener (a probation officer) reviews the documentation presented and makes the decision whether or not to detain the juvenile.

In this analysis, the at risk population at the detention decision point was the population of juveniles who were brought to detention by a law enforcement agent who requested a discretionary detention. Thus, the findings provide an assessment of the exercise of discretion by juvenile court detention screeners. The findings explicitly do not assess the discretion exercised by parents, law enforcement, judges, commissioners, or social agencies. Over representation that may be attributable to these decision makers was not examined, primarily due to the inability to identify the at risk populations.

In Maricopa County in 1990, there were 7,100 requests for detention. Of those requests, 5,316 (or 74.9%) were detained. Of the total requests for detention, 4,272 (or 60.2%) met the criteria for discretionary detainment. Of the 4,272 juvenile brought to detention in 1990, 1,854 were Anglo (43.4%) and 2,418 were minority youth (56.6%).

The average number of prior detentions was the most important predictive

characteristic in the Maricopa County analysis. The second most powerful predictive variable was the average number of times brought to detention. This variable negatively impacted detention, indicating that if previous police requests for the court to detain a youth had been denied, it was more likely that subsequent requests would also be denied.

Youth charged with violent offenses in Maricopa County were more likely to be detained, as were youth charged with drug offenses, but to a lesser extent. The greater number of previous referrals to court and the greater the number of charges alleged, the more likely that a youth would be detained. Youth who were not attending school were also more likely to be detained.

African American identity did not have a significant impact on detention screeners' decisions whether or not to detain. Hispanic identity negatively impacted the screeners' decisions. That is, detention screeners were less likely to grant police requests for detention of Hispanic youth than they were to grant requests for detention of Anglo youth. This suggests that court detention screeners may have served a corrective function. It also suggests that detention screeners did not contribute to the over representation of Hispanic youth in detention. Gender, age and number of petitions pending did not significantly impact detention screeners' decisions.

Adjustments and Petitions

In Pima County, 64 percent of all the referrals were adjusted and 32 percent resulted in petitions being filed. Many of these cases were diverted into community-based programs and others were involved in various kinds of probation-sponsored programs. An "adjustment" does not mean that nothing was done; it simply means that formal charges were not brought against the youth by the county attorney.

The data from Pima County suggest that discretion was exercised even among cases for which the most serious charge was a felony. In Pima County, 48 percent of the 1,912 cases for which the most serious police charge was a felony did not have petitions filed.

When all 10,356 cases from Pima County were treated as if they were eligible for adjustment, the analysis indicated considerable racial and ethnic disparity. This analysis incorporated decisions about filing petitions on or adjusting cases that were made either by court officials (e.g., probation officers) or by the county attorney's office.

Key findings in Pima County included:

- African Americans were 9% more likely than Anglos to have petitions filed

for misdemeanors. Hispanics were 2 % more likely; while Native American identity had no statistically observable impact.

- For felony referrals, racial/ethnic identity had no statistically observable impact.

Even though race and ethnicity made a difference in whether cases were adjusted or had petitions filed in Pima County, these were not the most powerful predictors of the decision. For adjustments, youth who had fewer prior complaints, less serious offenses, and fewer previous detentions were more likely to be adjusted. For filing petitions among youth charged with either misdemeanors or felonies, the most important factor was whether the youth had been detained or not. This illustrates the cumulative impact of detention on all subsequent decisions in the juvenile justice system. Among misdemeanor cases in Pima County, those charged with drug offenses were more likely to have petitions filed whereas among felony cases, those charged with more violent offenses were more likely to have petitions filed.

Most referrals in Maricopa County in 1990 were adjusted (60.3% of all dispositions were adjustments). In Maricopa County, the intake probation officer has the discretion in all cases to request the county attorney's office to file a petition when formal court action appears to be in the best interest of the juvenile or the community. In 1990, the Maricopa County Attorney's office reviewed 16,212 referrals and chose to file on 8,470 referrals generating 8,031 petitions.

Two at risk populations were identified and analyzed for the filing of petitions in Maricopa County. The first involved all referrals for felonies (812) that involved juveniles previously placed on probation. Relatively few of the known variables impacted the prosecutors' decision to file a petition in these cases. Key findings for cases previously placed on probation included:

- Youth who had been detained were more likely to have a petition filed.
- The greater the number of counts alleged, the greater the likelihood that a petition would be filed.
- The lower the number of accomplices, the greater the likelihood of filing. This may possibly reflect plea bargaining for testimony.

The second at risk population used to explore the prosecutors' petition decision in Maricopa County involved all felony referrals for 5,962 youth not on probation. Key findings for this at risk group included:

- The most predictive variable was the number of previous referrals, with petitions more likely to be filed in cases with a greater number of previous referrals.

- "Class of felony" was the second most predictive variable, with more serious felonies resulting in a higher rate of petitions.
- Youth who were detained were more likely to have petitions filed.
- The higher number of charges alleged in a referral and higher number of petitions yet to be acted upon by the court also increased the likelihood that a petition would be filed.

Social characteristics of youth proved to be important indicators of whether or not the Maricopa County Attorney's office would file petitions against youth. Most significant findings included:

- Hispanic youth were 9% more likely than Anglo youth to have petitions filed, and African American youth were 7% more likely than Anglo youth to have petitions filed.
- Gender and age were also significant predictors: males and older youth were more likely to have petitions filed.

These two analyses in Maricopa County suggest that a different set of factors influenced the decision when probationers were involved than when youth who had never been on probation were involved. Probationers allegedly involved in felonies were treated relatively similarly; race and ethnicity did not have observable impacts. In contrast, when youth who had never been on probation were involved, Hispanic and African American males were more likely to have petitions filed. This decision to file official charges is extremely consequential for it introduces the possibility that these youth may be adjudicated ("found guilty") and therefore become candidates for more severe sanctions.

Judicial Dismissals in Pima County

In Pima County, the analysis indicated racial and ethnic differences in judicial decisions to dismiss the most serious petition filed. African American youth were 9% less likely to have their charges dismissed than Anglo youth. Hispanic youth were 6% less likely to have petitions dismissed than Anglo youth. No statistically observable impact was found for Native American youth.

Commitment or Award to DYTR

In Pima County, 2.4 percent of all juveniles referred to the court in 1990 were committed or awarded to DYTR (166 cases). Key DYTR commitment findings in Pima County included:

- For newly committed youth, Hispanics were 3% more likely than Anglos to be committed; Native American and African American identity had no statistically observable impact.
- For parolees returned to DYTR in Pima County, Hispanics were 1% more likely than Anglos to be returned; no observable impacts were found for other groups.
- When new commitments and parolees returned ("awarded") to DYTR were considered together in Pima County, Hispanic youth were 4% more likely than Anglo youth to be committed or sent back to DYTR when other variables were controlled.

In Maricopa County there were 4,561 adjudicated cases with dispositions in 1990. Of these, 618 were committed to DYTR and 120 were awarded to DYTR. Compared to the total number of dispositions, commitment was a small proportion. The Maricopa County analysis of commitment to DYTR identified probationers charged with felonies as the population "at risk." Those who had been involved in Juvenile Intensive Probation Services (JIPS), who were detained on the presenting charge, were not attending school, as well as youth with greater numbers of previous residential placements, previous referrals to court and previous law enforcement requests for detention were all more likely to be committed to DYTR.

When these specific conditions were reviewed in Maricopa County, racial and ethnic identity was not predictive of commitment to DYTR, nor were gender, age, number of months on probation, number of previous detentions, number of charges, or other factors previously noted in this report.

Parole Revocation

The most important predictor of parole revocation was police allegations that a property offense had been committed. Other variables included the Youth Hearing Board's assessment that firearms were involved and police allegations of a violent offense. A number of other variables were less important.

Decisions to revoke a youth's parole were less likely to be made when parole was suspended due to a technical violation, when the youth's family attended the revocation hearing, and when the youth was African American (African Americans were 4% less likely than Anglos to have their parole revoked). The variables of age, gender, and Hispanic identity did not have statistically observable impacts. In light of the fact that African American youth were over represented in parole suspension, the finding that the Youth Hearing Board was less likely to revoke their parole may suggest a corrective function played by the Board.

The variable "family attendance at hearings" was examined further since youth were more likely to be reinstated to parole when their families attended Board hearings. The statistical analysis indicated that two factors were highly related with family attendance: families whose youth were accused of violent felonies by the police were more likely to attend and African American families were less likely to attend.

These preliminary findings evoke numerous important questions. It appears important to ascertain why family attendance influences parole revocation decisions and to ask whether this should be a factor. It is also unclear why African American families were less likely to attend. Potential explanations include transportation difficulties, job or child care conflicts, a perceived inability to influence the decision-making process or other factors.

Transfer to Adult Court

The descriptive analysis in Pima County showed considerable over representation for African American youth among remands to adult court, but Hispanic and Indian youth were not over represented at this decision point. The multivariate analysis of Pima County cases showed that racial/ethnic identity was not statistically significant in transfer decisions. The only predictors of remands in Pima County were the number of prior complaints, age, and charges indicating a violent felony offense.

Issues for Continuing Analyses

The analyses of Arizona data suggest several important points:

- Differential treatment exists at specific junctures throughout the system and differential treatment exists that is not explained by factors such as seriousness of offense or prior number of referrals.
- Differential treatment is not the same for all minority juveniles; impacts vary with minority group.
- The nature and extent of differential treatment varies from county to county and from agency to agency.
- The effects of differential treatment are cumulative: decisions at one stage influence subsequent decisions.
- The distinction between legitimate and illegitimate influences on processing is often blurred; factors frequently considered legitimate in decision making may be highly correlated with race and lead to over representation.

- It is important to examine the extent to which the structure of the decision-making process itself, including options available, impacts juveniles' fates.
- It is extremely important to encourage and assist all those who deal with juveniles in examining what information is available and, where information is unavailable, initiating systems for comprehensive data gathering and analysis.
- There is a high level of commitment to addressing the over representation of minority youth, as evidenced by the positive response of juvenile justice agencies and committee members.

Qualitative Analysis of Interviews

"A policeman sees a 12 year-old white, a 12-year black, or a 12-year old Hispanic walking along at curfew. Which one's he going to stop? He's going to stop the darker one."
Anonymous interview participant

Research Process

This component was based on discussions with 185 persons in Maricopa and Pima Counties from September 1992 to May 1993. The Minority Youth Issues Committee initiated this qualitative research process as a means to enhance understanding of the workings of the juvenile justice system in its treatment of youth of color.

The discussions were intended to elicit background information on juvenile justice system operations to promote better understanding of the various aspects of case processing and to provide a context for analysis of the quantitative findings of the research. Statistical analysis can tell us who may be over represented at various decision points, but a process of dialogue in the community is necessary to interpret what the statistics tell us.

The discussion process was open-ended to encourage participants to talk freely on a range of topics. Project team members used a discussion guide (which included questions on case processing, policy making concerns, and how the system should respond to research findings). While the interviews were not random, the project team was primarily interested in learning participants' unique concerns regarding the treatment of youth of color and in gathering a broad range of ideas on possible system responses. The interviews reflect perceptions of those who participated in the study.

Of the 185 study participants, 38% were juvenile system officials, 22% were private service providers, and 40% were parents, youth, youth advocates and educators.

This mix ensured a wide variety of perspectives. In addition, two large community meetings concerning the needs of Hispanic youth were attended, and qualitative team members attended each of the juvenile justice forums sponsored by the Governor's Office for Children.

In terms of racial composition, 60% of the study participants were people of color including 30% African American, 26% Hispanic, and 4% Native American. 40% of the participants were Anglo. Although several discussants spoke concerning Asian American youth and families, none of those interviewed were of Asian descent.

Discussants inside and outside public juvenile justice agencies reported that the system falls far short of the goal of equitable treatment, fails to focus on the specific needs of youth of color, and that two tracks exist for system involved youth: one for those of families, largely middle- and upper-class Anglo, with the means to afford private behavioral health treatment services, and a second for children of low-income families, primarily minority children living in single-parent homes, perhaps on public assistance, whose parents know of no treatment options to suggest to juvenile system decision makers.

Participants working in the system stated that, given prevailing economic situations and neighborhoods for youth of color, system decision makers were much more likely to view those referred to the system as "young criminals" deserving punishment.

Most Prominent Themes of Interviews

Qualitative team members worked to draw the most prominent themes and concerns from the interviews. These "collective" points of view are outlined below in ten topic areas.

- **Feelings of system-wide discrimination against youth of color.**

This point was made repeatedly, in various ways, throughout the interviews. Many participants maintained that top agency administrators must make more vigorous efforts to understand the ways in which racial bias and lack of understanding effect case handling decisions to the detriment of young people.

The low representation of people of color working as legal professionals in the system was seen as a marker for inevitable discrimination. Lack of understanding on the part of staff working directly with youth and families toward cultural differences and staff resistance toward asking minority co-workers for assistance were also noted as serious concerns.

Study participants urged system administrators to recognize the presence of the second track "all the way through the system" and to work with greater energy and commitment on strategies to shift its course away from secure institutional confinement.

- System barriers to effective parental advocacy on behalf of system-involved youth.

One factor that contributes substantially to differential treatment, according to participants, involves the inability or ineffectiveness of parents to serve as advocates for their children. Lack of knowledge of system procedures is widespread. Explicit mechanisms are needed to develop knowledgeable parents and to empower them as effective advocates. Gaining adequate working knowledge of the system is especially difficult for first-language Spanish parents.

- **The problem of inadequate language skills and cultural understanding among system administrators and field staff.**

The lack of Spanish language skills among system workers continues to be a major concern. Supporting the views of all Spanish-speaking parents interviewed, many system officials spoke candidly of the system's failure to serve the children of first-language Spanish parents. With growing numbers of first-language Spanish speaking parents in urban areas, system administrators at all levels are obligated to provide incentives for the development of Spanish language skills and to more aggressively recruit staff with bilingual skills.

- **The withdrawal of juvenile justice system agencies from contact and involvement in poor neighborhoods.**

One of the most widespread and fundamental criticisms concerning the treatment of minority youth is that juvenile justice agencies are steadily losing contact with the community, particularly in the most heavily African American, Hispanic, and Native American communities. The prevailing feeling is that public agencies are pulling away from these neighborhoods, becoming isolated and withdrawing into court centers and other locations far from youth and their families.

In addition, people in these neighborhoods, particularly parents of system-involved youth, stressed the failure of juvenile system agencies to involve them in policy-making processes, in advocacy for strengthening neighborhood-based services, and in liaison and mediation work with field staff.

Parents expressed great interest in cooperating with system officials, both administrators and field staff. They spoke of "forgotten neighborhoods" and of their desire to be involved in decision-making. They perceive law enforcement and juvenile justice agencies taking an adversarial stance toward minority communities. It was also suggested that administrators and field staff become more directly involved in community coalitions. There is also a view that many system officials are uncomfortable because they know little about the areas in which youth on their caseloads live.

- **The crisis in neighborhood-based educational, vocational, cultural, recreational, employment, medical, and behavioral health resources for youth of color.**

Closely associated with the foregoing perspective is the demand that top system administrators begin to work directly with parents and others to remedy the crisis in community resources for youth of color. It is painfully clear that knowledgeable and concerned grassroots leaders must be assisted in working to create appropriate alternatives to delinquent activities.

There is broad agreement that the leaders in public agencies -- judges, court administrators, police chiefs, etc. -- should reach out to the community to learn the needs of youth in "forgotten neighborhoods" and become directly involved as advocates for the development of necessary resources.

There is a strong desire among teens for legitimate alternatives to involvement in the juvenile court. However, there is also a pervasive view among many minority youths that ending up in the court system is the only "option" to having nothing positive to do in the neighborhood.

- **Lack of appreciation of the influence of the family and the need for family oriented treatment for youth of color.**

The viewpoint that strategies to address delinquent behavior frequently fail to consider the family's influence through sets of values, behavior patterns, and generational influences such as gang involvement were stressed by many participants. Early court services interaction with the family in the home setting was urged by a large number of discussants as was the juvenile court's responsibility to develop family oriented strategies including neighborhood-based counseling services.

The most frequently suggested rationale for diminishing attention toward the family system was that of juvenile system modelling of adult system characteristics. A number of discussants cited what they believe is a shift

away from concern for environmental factors and the developmental perspective of delinquency, toward a perspective akin to the adult system stressing individual responsibility for actions (particularly for youth of color).

- **The problem of gang labeling by system officials, and lack of understanding of reasons for actual gang involvement.**

The overwhelming view of study participants was that the actual level of gang involvement among youth of color is quite low, in contrast with images portrayed by police officials, prosecutors and the media. Wrongful identification of youth of color with gang activity is cited by parents as a juvenile system practice that often results in more punitive handling for those involved in the system.

Meanwhile, people in the neighborhoods are equally concerned over the failure of system officials to appreciate the reasons for youthful involvement in gang activity. Participants urged system officials to carefully consider the family conditions, isolation from positive activities, and extreme poverty experienced by many youth of color as logical reasons for gang involvement.

- **The view that consideration of prior police contacts and court referrals as major determinants in case-handling decisions is a racially discriminatory practice.**

Prior police contacts and court system referrals are not viewed as legally neutral factors in case-handling decisions. Many study discussants felt strongly that racial bias influences police arrest decisions. They stated that differences in treatment at this stage result in harsher measures for youth of color at subsequent decision points. Youth were also particularly concerned over the weight given to prior contacts and referrals. These youth are seen as quite likely to gather a substantial "rap sheet" at an early age as a "normal" part of life in the ghetto or barrio.

- **The attitudes of youth toward system agencies and practices, and the need to involve youth directly in system policy-making.**

Participants emphasized the very high degree of hopelessness among youth toward prospects for the future and anger toward present situations, particularly with regard to juvenile system policies and practices.

Discussants perceive a clear attitude that minority youth are targeted by law enforcement. Other criticisms centered on the perception that police have no interest in getting acquainted with youth and that community relations training is of little use. Youth, parents, and system workers agree that youth

should be directly involved on a neighborhood level in on-going dialogue concerning system policies and practices. This could include formation of discussion groups with youth. There was widespread support for the idea that youth must be involved in creating solutions. Creation of mechanisms to accomplish such involvement is critical to improvements in the system's treatment of youth of color.

- **The problem of limited system resources and the critical need for improved coordination among system administrators in the allocation of resources.**

The juvenile justice system is seriously over-burdened, lacking the ability to provide the quality of case management and supervision required to meet the needs of youth of color. A number of discussants noted that discretionary decisions by county attorneys in the petition process have tremendous impact on the system's capacity to provide adequate supervision and support for youth.

Participants expressed their concerns that programs to prevent youth of color from entering and staying in the system cannot be developed under the present circumstances. A general feeling of frustration over inadequate and declining quality of services to all youth, but particularly youth of color, was also expressed.

While the system may require increased resources to meet demand, participants sensed that it is unlikely that funding levels will increase. They urge system officials to employ other strategies including paying greater attention to the "intake funnel" and the ways in which system intake/petition decisions affect quality of services in the community. Some discussants also suggested that a critical aspect of system intake is the presumption regarding the youth's "need" for court intervention. This presumption, which may lead to unnecessary system intake/petition, is challenged by many who feel that much more could be done to "keep kids completely out of the system."

Recommendations Stemming from Interviews

The qualitative research findings led to 10 recommendations designed to foster system improvement in the handling of youth of color. The recommendations include:

- 1. Initiate an immediate, detailed review of the ways in which recruitment, hiring, staff training, and other policies and practices produce differential case-handling decisions within the public juvenile justice agencies, then work to eliminate differences due to race and ethnicity.**

2. Establish explicit mechanisms within public juvenile system agencies to develop knowledgeable parents and empower them as effective advocates in case-handling processes.
3. Implement incentives to encourage Spanish language skills among all staff, and vigorously recruit bilingual and culturally competent staff.
4. Create mechanisms to substantially increase field staff contact with youth and their families in the community and to create partnerships between neighborhood residents and system administrators in developing policies and programs responsive to community needs.
5. Create explicit mechanisms to involve juvenile judges and other top system officials in advocacy strategies with parents and youth in specific neighborhoods to develop needed community resources.
6. Work to maintain a distinct philosophy of juvenile jurisprudence, paying particular attention to the substantial influence of the family system in placing youth at risk for juvenile system involvement.
7. Institute procedures (a) to guard against indiscriminate labeling of youth as gang members, (b) to heighten awareness of the possibility of racial discrimination in considering alleged gang association in case-handling decisions, and (c) to foster greater understanding of the reasons for gang involvement among youth of color.
8. Recognize the great potential for racial bias in police contacts and system referrals among youth of color and work to lessen the influence of these factors in case-handling decisions throughout the system, from arrest through disposition.
9. Establish mechanisms to achieve the direct involvement of system-involved youth of color in designing and determining policies and practices in all aspects of the juvenile system.
10. Improve coordination among all system officials in the effort to conserve system resources for necessary neighborhood-level fieldwork, outreach and advocacy activities. Intake/petition decision makers should be particularly sensitive to the possibility of racial bias in the application of highly subjective "need for services" criteria.

Areas of Concern

There remain major areas of concern that have not been dealt with adequately by this study. It is essential that they be acknowledged and that efforts continue to address the experiences of: (1) Native American youth; (2) Minority youth within the rural, outlying counties; (3) Mexican National youth; and (4) Asian American youth.

Although it was expedient to focus on Maricopa and Pima Counties because 80% of Arizona's minority youth reside in those areas, the analysis does not provide insight into the processing of many Native American youth by tribal courts and the federal government.

Rural counties are not adequately represented in this report, yet they provide services to a significant minority youth population. It is essential that resources be allocated for research as well as programs to meet the specific needs of youth of color within rural counties, as well as to facilitate a much-needed exchange of ideas and experiences.

Mexican National youth are an important population within all Arizona counties, but especially those bordering Mexico. The status and needs of these youth as well as the obligations and options of juvenile justice agencies is highly complex and controversial. Efforts must be continued to document the experiences and address the needs of these youth.

This report lacks information regarding the status and experiences of Asian American youth within Arizona. Since the base year of 1990, there has been a significant increase in the percent of Asian American youth in Arizona, and a continuing analysis of minority youth must be sensitive to the specific culture and needs of Asian American children.

INPUT FROM YOUTH, PARENTS, AND COMMUNITY MEMBERS:

COMMUNITY FORUMS

An extremely important part of the Equitable Treatment of Minority Youth Project has been a series of community forums in which information and research findings have been presented and, most crucially, community members have participated in intensive discussion sessions and provided extensive input. Initially, the question of why minority youth are over represented in the juvenile justice system was addressed, and then potential solutions and actions were suggested.

Four forums were held in Pima County and four were held in Maricopa County. Initially, a forum was held for each of the three major racial and ethnic groups in order to facilitate each community exploring specific issues. The fourth forum in each county brought individuals from all racial and ethnic communities together. Commonalities were explored and recommendations were made for united action. Over 500 community members participated.

The following summarizes issues identified as contributing to the over representation of minority youth, as well as potential solutions.

Issues Common to all racial and ethnic minorities.

Suggested explanations of the over representation of minority youth in the juvenile justice system.

FAMILY AND COMMUNITY INVOLVEMENT

- * Lack of resources in all areas
- * Lack of understanding regarding the juvenile justice system and need for education for the community
- * Over emphasis on negative role models and need for involvement of positive role models

- * Need for accessible parenting skills classes in all areas and family counseling
- * Impact of unemployment, under employment, and poverty
- * Lack of skills training and employment opportunities for youth
- * Lack of positive experiences for minority youth and widespread undervaluing of minority strengths
- * Decreasing reliance on traditional cultural and spiritual values
- * Lack of effective communication among family members
- * Need for individuals to assume personal responsibility
- * Unquestioning acceptance of authority figures causes families to be intimidated
- * Lack of understanding among racial and ethnic communities
- * Need for increases support from religious communities
- * Bias against minority youth due to their disproportionately lower economic status
- * Media over emphasis on negative images of minorities and stereotypic linking of minorities and crime/delinquency
- * Social service agencies and schools are not working effectively with families
- * Under representation of minorities in key policy and decision-making positions

JUVENILE JUSTICE SYSTEM

- * Lack of effective communication between the juvenile justice system and minority communities
- * Institutionalized cultural insensitivity
- * Stereotyping of minorities
- * Widespread discrimination against minorities in the juvenile justice system

- * Law enforcement harassment based on race/ethnicity, neighborhood, dress, and demeanor
- * Under representation of minorities in key policy and decision-making positions in the juvenile justice system

Proposed Solutions to the Over Representation of Minority Youth.

FAMILY AND COMMUNITY INVOLVEMENT

- * Provide resources for parents and youth in all areas of social services
- * Integration of services within the communities
- * Greater community involvement in addressing youth problems
- * Enhance intergenerational communication skills
- * Greater involvement of successful minority members in addressing youth problems
- * Make family counseling more affordable and accessible
- * Promote family support groups
- * Provide more opportunities for safe, positive social interactions (including recreation) in minority communities
- * Facilitate accessible in-home parenting skills programs
- * Foster events and programs that increase understanding among minority groups
- * Include cross cultural respect and communication in elementary and secondary curricula
- * Develop mentoring opportunities for youth and families
- * Schools work with families/communities to develop and implement programs that elevate youth's self esteem

- * Provide culturally relevant intergenerational education
- * Media should focus on positive activities and accomplishments in minority communities
- * Media should present a positive view of cultural diversity

JUVENILE JUSTICE SYSTEM

- * Increase emphasis on preventive programs
- * Make cultural sensitivity a criterion for hiring and retention of decision makers
- * Establish ongoing forums for dialogue between law enforcement and community members, including youth
- * Increase the representation of culturally-sensitive minorities in key policy and decision-making positions
- * More timely and effective avenues for preventing and responding to child abuse
- * Provide education on the legal system for families and youth
- * Provide Adequate funding for community legal aid systems
- * Implement specific programs to address system bias and institutional racism
- * Make agencies and specific decision makers accountable for their policies and actions
- * Establish a standard of zero tolerance of racist behavior

ISSUES EMPHASIZED IN THE AFRICAN AMERICAN FORUMS

Factors contributing to over representation

- * Widespread fear of African American males and stereotypes of them as aggressive and dangerous
- * Inability and unwillingness of whites to view African American people seriously
- * Unofficial but pervasive support for undue punitive responses to African

Americans

Proposed solutions

- * Maintain legal fund within the community
- * Develop businesses to keep and provide resources and jobs within the community
- * Review police officers' arrests records routinely, with input from African American community
- * Support African American publications
- * Creative alternatives to only defining spirituality or "finding God" as the church
- * Involvement of African Americans on citizen review boards

ISSUES EMPHASIZED IN THE HISPANIC FORUMS

Factors contributing to over representation

- * Discrimination due to stereotypes of Hispanic areas and barrios
- * Traditional value of accepting authority and discomfort when attempting to express oneself
- * Cultural pride prevents Hispanics from asking for help
- * Lack of prevention strategies available for young Hispanics at risk
- * Lack of empathy in the non-Hispanic community for youth's needs

Proposed Solutions

- * Teach youth to speak up for themselves appropriately
- * Media should make specific contributions to address past stereotypic images,

such as sponsoring forums to counteract past images

- * Promote programs that promote opportunities for creative expression relevant to Hispanic culture
- * Help minority youth learn to use media to project positive images as well as effects of racism

ISSUES EMPHASIZED IN THE NATIVE AMERICAN FORUMS

Factors contributing to over representation

- * Decreasing reliance on traditional cultural and spiritual values
- * Lack of holistic approach at earliest levels, such as schools and communities not working together
- * Native American youth subject to multiple jurisdictions, potential conflict between tribal and state systems

Proposed Solutions

- * Tribal leaders should give high priority to youth services
- * Increased emphasis on return to spiritual traditions
- * Emphasize holistic approach: mind, body, spirit and soul
- * Advocate for intergovernmental agency agreements between state and tribes to facilitate tribal treatment of youth

Constructive Responses and Positive Actions

Although this report focused on the disparities and inequities for minority youth in Arizona's juvenile justice system, there are positive endeavors underway. These include:

- The Arizona Supreme Court, Administrative Office of the Courts (AOC), intention to add ethnic and cultural diversity issues and cultural competence to the Arizona Probation Monitoring System.
- The Arizona Department of Health Services (DHS) exploring the concept for a Center for Multicultural and Minority Health Issues. The Center is in the planning stages and a design team has been established. The goal is to develop a meaningful center that will lead to effective participation of minority clients in the DHS health care system.
- 1991 legislation led to the establishment of a subcommittee to study the status of minority children within the children's behavioral health system. Children of color who are over represented in the juvenile justice system are under represented in the treatment system. The minority study committee was established in 1993 and is overseeing a study that focuses on the utilization of behavioral health services and the need for services among youth of color. The study committee is exploring a reported 42% - 59% reduction in behavioral health services to minority children since the implementation of Title XIX.
- At DYTR, several changes are underway to address the issue of cultural competence in service delivery. The most visible change is in the management team and direct service staff. More African American and Hispanic staff hold key positions in the department. The Inter cultural Awareness Task Force was established by the director early in 1993.
- An advocacy program for youth appearing before the Youth Hearing Board is being developed to address a critical finding of this research -- the elimination of barriers to family attendance. This advocacy project will also ensure compliance with the due process provisions of the Johnson v. Upchurch consent decree stemming from the class action lawsuit against the State for conditions of confinement.
- The Juvenile Court in Pima County is also responding to this research. Presiding Juvenile Court Judge Raner Collins has directed staff to examine data from earlier years for comparison purposes. The judge is committed to taking the steps necessary to ensure equity.

- The Equitable Treatment of Minority Youth Project was launched at about the same time as the AOC launched the statewide implementation of the Juvenile On-Line Tracking System (JOLTS). JOLTS will create a data base for all probation departments that will track the same information in each county. DYTR will also participate in the JOLTS system, carrying the data collection effort through to committed youth.
- The Arizona Department of Economic Security (DES) Administration for Children, Youth and Families instituted a required three hour course entitled "Cultural Competence" as part of their Child Welfare Core Training.

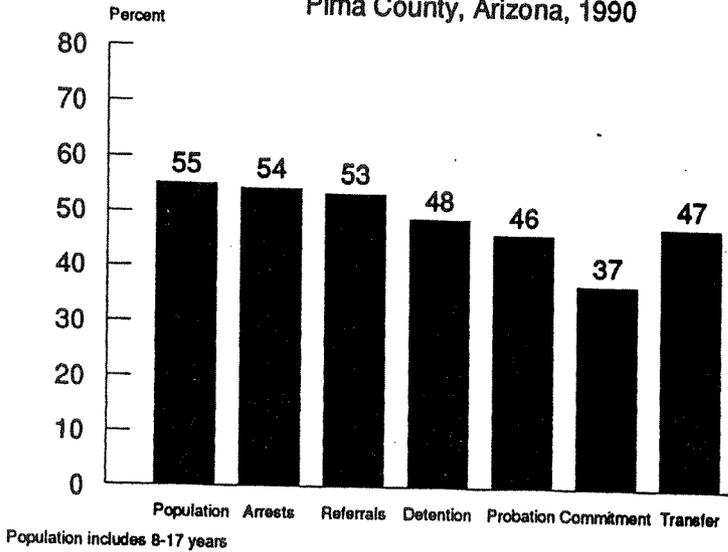
These and many more of Arizona's service delivery systems are responding to the call for cultural competence and equitable treatment. Arizona's Juvenile Justice Advisory Council and its Minority Youth Issues Committee will continue to be a catalyst in planting and nurturing equity.

APPENDIX

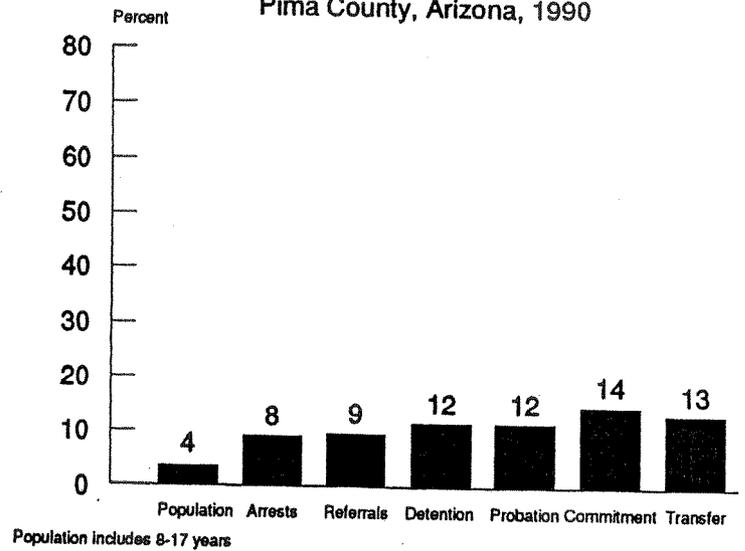
The Appendix contains bar graphs showing descriptive statistics for Pima County, Maricopa County, and the Department of Youth Treatment and Rehabilitation. The charts indicate representation of youth at major decision points. It is important to remember that descriptive statistics do not control for variables that may impact actual decisions (e.g., seriousness of offense, prior referrals, prior detention, age, etc.). Descriptive statistics merely indicate proportions in comparison to the percentage of youth in the general population. Readers are encouraged to review the full report covering the findings of the Equitable Treatment of Minority Youth Project.

CHART A
REPRESENTATION OF YOUTH AT MAJOR DECISION POINTS IN
PIMA COUNTY, ARIZONA

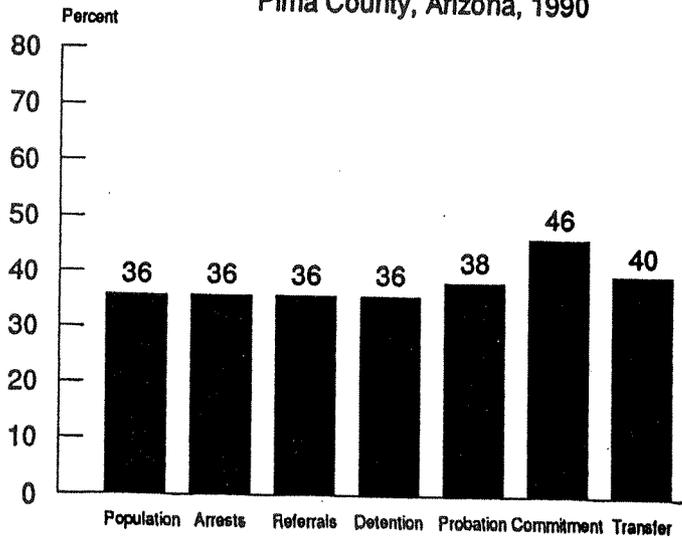
REPRESENTATION OF ANGLOS
Pima County, Arizona, 1990



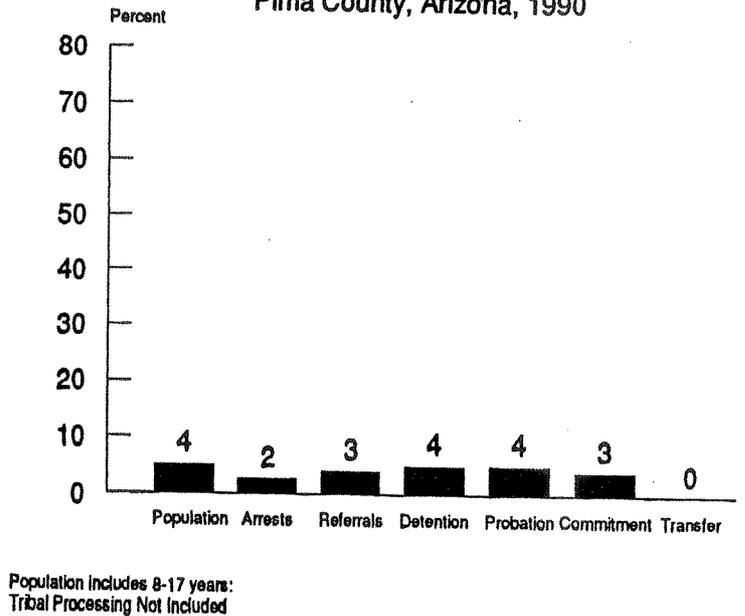
REPRESENTATION OF AFRICAN-AMERICANS
Pima County, Arizona, 1990



REPRESENTATION OF HISPANICS
Pima County, Arizona, 1990



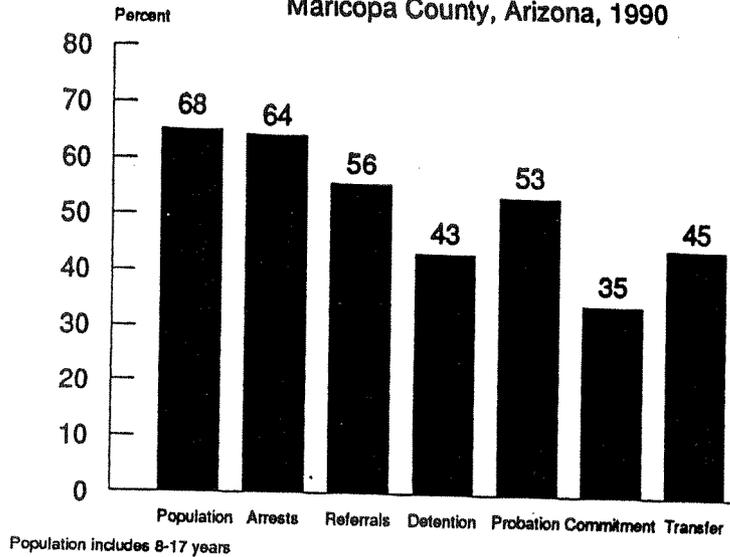
REPRESENTATION OF AMERICAN INDIANS
Pima County, Arizona, 1990



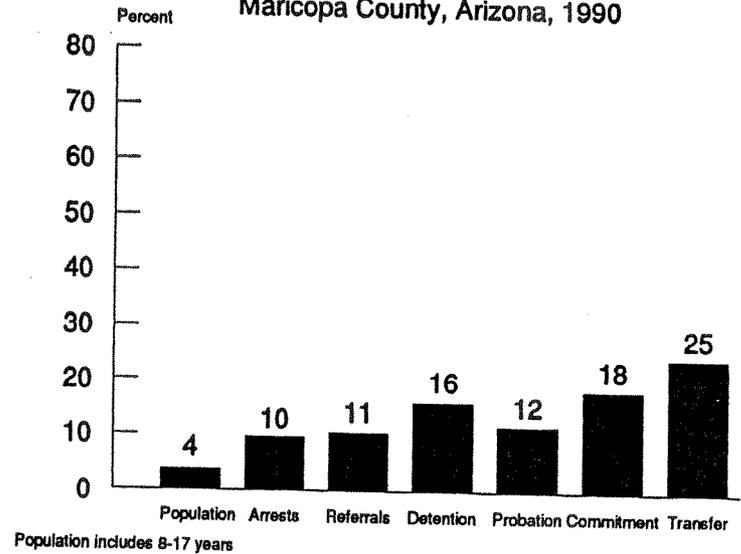
These graphs present frequencies. Other relevant factors (e.g., seriousness of offense, prior record, and age) have not been controlled.

CHART B REPRESENTATION OF YOUTH AT MAJOR DECISION POINTS IN MARICOPA COUNTY, ARIZONA

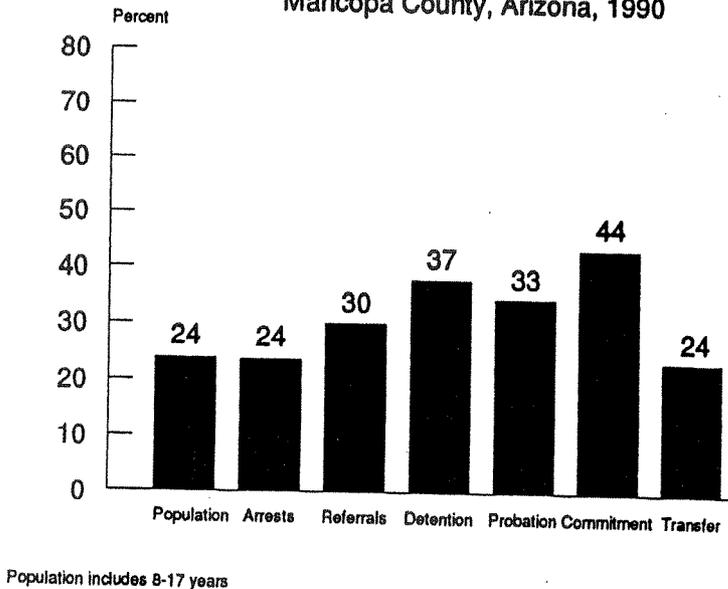
REPRESENTATION OF ANGLOS Maricopa County, Arizona, 1990



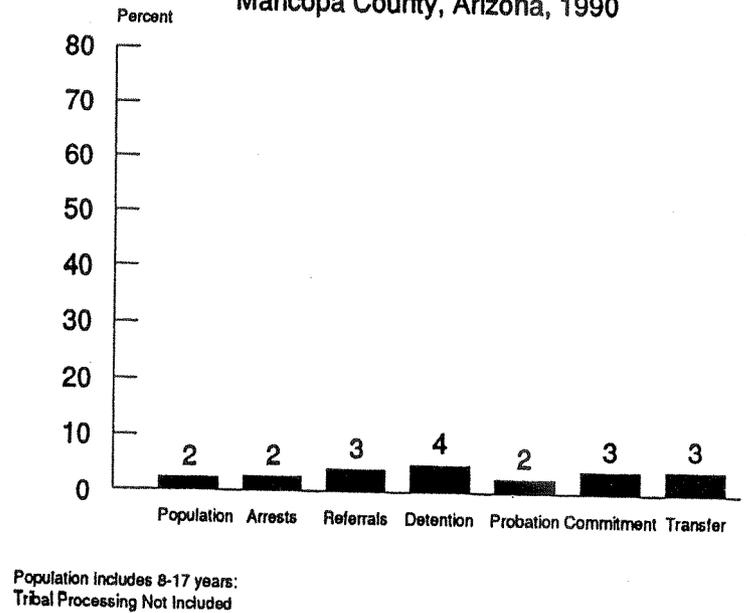
REPRESENTATION OF AFRICAN-AMERICANS Maricopa County, Arizona, 1990



REPRESENTATION OF HISPANICS Maricopa County, Arizona, 1990



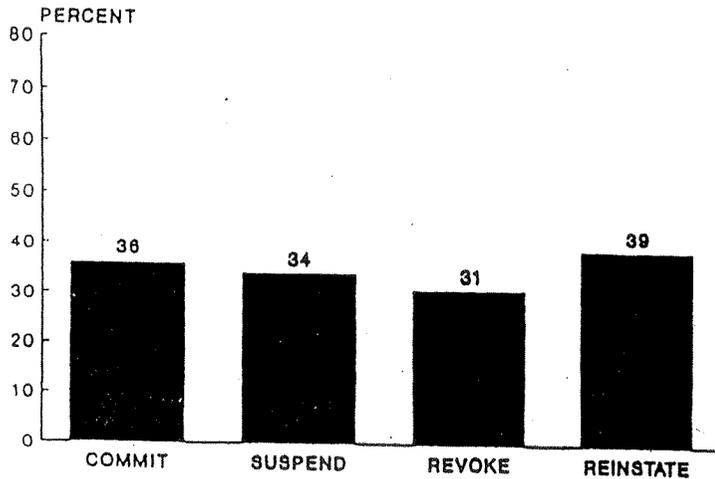
REPRESENTATION OF AMERICAN INDIANS Maricopa County, Arizona, 1990



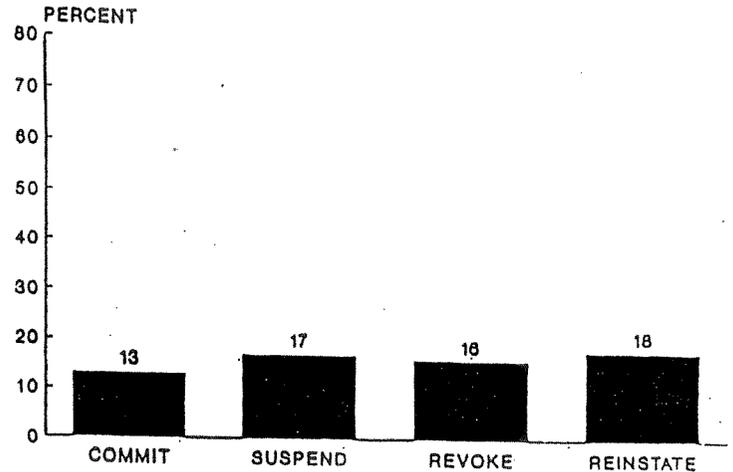
These graphs present frequencies. Other relevant factors (e.g., seriousness of offense, prior record, and age) have not been controlled.

CHART C
REPRESENTATION OF YOUTH AT MAJOR DECISION POINTS,
DEPARTMENT OF YOUTH TREATMENT AND REHABILITATION

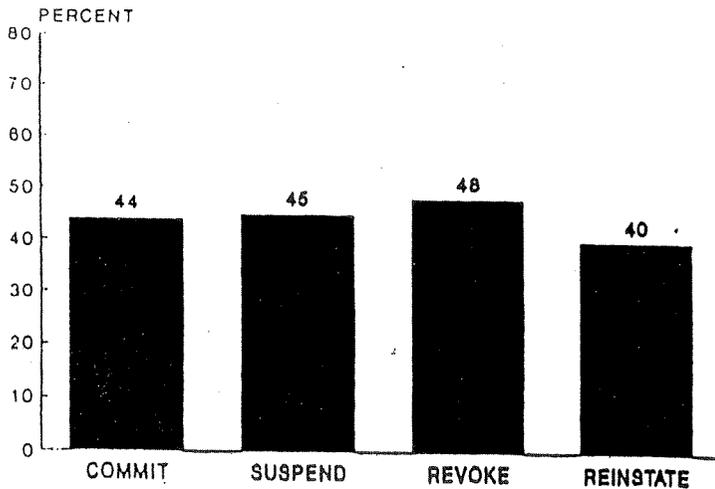
REPRESENTATION OF ANGLOS
 Dept of Youth Treatment & Rehabilitation



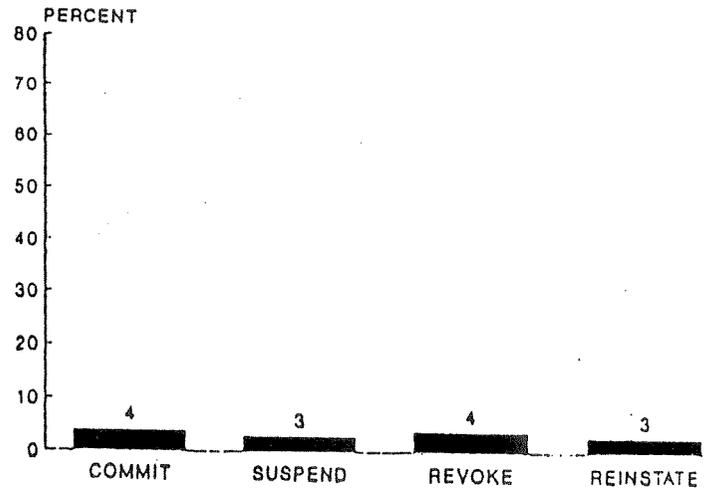
REPRESENTATION OF AFRICAN-AMERICANS
 Dept of Youth Treatment & Rehabilitation



REPRESENTATION OF HISPANICS
 Dept of Youth Treatment & Rehabilitation



REPRESENTATION OF AMERICAN INDIANS
 Dept of Youth Treatment & Rehabilitation



These graphs present frequencies. Other relevant factors (e.g., seriousness of offense, prior record, and age) have not been controlled. These are based on 668 commitments to Arizona DYTR (1/92 to 8/92) and 2,475 parole revocation decisions (1/91 to 8/92).