



ARIZONA SUPREME COURT
ADMINISTRATIVE OFFICE OF THE COURTS
COMMISSION ON MINORITIES

Equitable Treatment of Minority Youth

Second Arizona Statewide Report Card
Calendar Year 2004

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Message From the Commission

The Commission on Minorities in the Judiciary is proud to present the 2nd Arizona Statewide Report Card.

The Report Card addresses specific decision points within the juvenile justice system (referral, formal and informal court processing, and various dispositions). It was the intent of the Commission that this report be used as follows:

- to identify potential problems at each decision point in the juvenile justice system;
- as a tool by administrators and policy makers to prioritize and focus limited resources to improve the system; and
- to reduce over-representation of minority youth in the justice system; and as a baseline to evaluate progress.

A number of corrective activities have been initiated or sponsored by the Commission on Minorities in the Judiciary to address this issue. One such program is the Building Blocks Initiative. The Arizona Building Blocks Initiative endeavors to strategically examine juvenile justice data to determine how best to reduce the over-representation of minority youth in the justice system.

In May 2004, Pima County Juvenile Court and its community stakeholders began a collaborative effort to eliminate disparate treatment and improve outcomes for minority youth involved the juvenile justice system (Disproportionate Minority Contact - DMC). That effort was soon expanded to eliminate the inappropriate use of detention for all juveniles (Juvenile Detention Alternatives Initiative-JDAI). The leadership of these combined initiatives, the DMC/JDAI Executive Committee, has adopted and begun to implement an ambitious strategic plan that has produced significant positive results in the past year. While the DMC/JDAI was not initiated or sponsored by the Commission, it is a local program that is working toward achieving some of the same goals as the Commission is statewide.

Please join us in using this information to support changes and actions that will improve our justice system and reduce the over-representation of minority youth in the juvenile justice system.

In addition to the Commission members who are denoted as members of the Over Representation Workgroup, the Commission wishes to thank Richard Kennedy, Maria Dennis and Marcia Rincon-Gallardo for their efforts in producing the 2nd Arizona Statewide Report Card.

Judge Roxanne K. Song Ong
Chair, Commission on Minorities in the Judiciary

*Over Representation Workgroup Chair
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Executive Summary

This report is a result of the 2002 Equitable Treatment of Minority Youth report produced by the Arizona Supreme Court Commission on Minorities. One of the recommendations issued in that report was to create an annual report card to assess progress on the reduction of over-representation of minority youth in the juvenile justice system. The decision has been modified to produce a report card every other year.

According to the Office of Juvenile Justice and Delinquency Prevention, measuring disproportionate minority contact is like taking vital signs, it alerts one to potential problems and helps focus efforts. This report card is intended to be used as one would a general physical, to detect change and recommend appropriate action.

This report addresses the 2002 Equitable Treatment of Minority Youth recommendation by highlighting decision points from referral to the juvenile court through disposition. The first report serves as a baseline for the second report card. The intent is to illustrate the current situation, provide a basis for future comparison, highlight areas of special concern and compare these results with the prior report card. It is important to note that offense severity and prior offense history are not included in the analysis of these reports. Tables from the first report are contained in the appendix.

The following provides a brief summary of the report findings compared to Anglo youth and some of the findings in the 2004 report card:

African American Youth:

- In the 2004 report, were referred at a rate over 3 times higher than would be expected based on their proportion in the population. The current report indicates this has dropped to around twice the expectation in proportion to the population. This sets the stage for over-representation at Detention, Petition, Direct File in Adult Court. Transfer to Adult Court was lower.
- While referrals were higher than expected, African American youth referrals actually were adjudicated and resulted in Probation at about the same rate as Anglo youth. Commitments to ADJC and being brought to detention are higher.
- The most significant finding is the rate of Direct Filing in Adult Court. The over all rate of Direct Filing has dropped significantly but the Relative Rate Index (RRI) for African American youth is close to 3 times that of Anglo youth. This is double the finding in 2004. These youth are under represented in the Transfer process and highly over represented in the Direct File process.

Hispanic Youth:

- Were over represented in being brought to detention, being Transferred, receiving Intensive Probation and being Direct Filed in Adult Court. They are about even to the Anglo youth on being adjudicated, receiving probation, penalty only and being committed to ADJC.
- Their rate of referral compared to Anglo youth is comparable.

Native American Youth:

- Fare better than African American and Hispanic youth when compared to Anglo youth. Although they are over represented at being brought to detention, they are more likely to be released.
- The Direct Filed and Transferred youth involves an extremely small number. Therefore, significance is very difficult to determine.
- They are under represented on Intensive Probation and Penalty Only and very close on most other decision points.

Arizona Has a History of Addressing the Issue of Over-Representation

Arizona has a long history of a focus on disproportionate minority contact (DMC) in the juvenile justice system.

- 1991 – 1994** Arizona was selected as one of five states to address DMC through an initiative sponsored by the Office of Juvenile Justice and Delinquency Prevention (OJJDP).
- 1993** The Arizona Juvenile Justice Advisory Council published the first Equitable Treatment of Minority Youth report¹. This report assessed the over-representation of minority youth in the juvenile justice system in Maricopa and Pima counties.
- 1998** OJJDP published DMC: Lessons Learned From Five States²
- 2000** The Arizona Supreme Court created the Building Blocks Initiative to address DMC. The project is ongoing and based in Phoenix, Arizona.
- 2001** Pima County Juvenile Court publishes A Comparative Analysis of Minority Over-Representation in the Pima County Juvenile Justice System, 1990 versus 2000.
- 2002** The Arizona Supreme Court Commission on Minorities (COM) published the second Equitable Treatment of Minority Youth report³. This report assessed the progress made from 1990 to 2000 in Maricopa and Pima counties and recommended that an annual report card be developed.
- 2004** Arizona Supreme Court Commission on Minorities (COM) published the First Annual Arizona Statewide Report Card.⁴ This document examined the proportion of youth by race and ethnic group at various decision points in the Justice System. It also examined the information using the Relative Rate Index.
- 2004** Pima County selected by the Annie E. Casey Foundation as a Juvenile Detention Alternatives (JDAI) site, Disproportionate Minority Contact is included in the initiative.

DIFFERENCES FROM PREVIOUS REPORTS

- The information is statewide and includes all fifteen Arizona Counties rather than limited to two (Maricopa and Pima) of Arizona's counties.
- The population is a group of juveniles referred to the juvenile justice system in calendar year (CY) 2004 and followed through August of 2005 rather than using different juveniles at each decision point.
- This is the second Report Card and is comparable to the first as the analysis procedures and decision points remain constant.

JUVENILE VS. REFERRAL LEVEL DATA

- Data is presented for juveniles referred in Table 1. Each number represents one juvenile. The population data comparison is the only place that juvenile level data is presented.
- All subsequent data is presented based on total referrals. This means that if a juvenile is referred to the juvenile court three times in CY 2004, each referral is reported separately.

TWO TYPES OF INFORMATION PRESENTED

This report provides two types of information: percentages and relative rates.

- Percentages show the proportion of that racial/ethnic group that appear at a particular decision point (referral, detention, petition, etc) based on the preceding decision point.
- Relative Rates (RRI) offer a comparison to Anglo youth. This allows for an assessment of the degree of over-representation of minority youth in the juvenile justice system (see **What is the Relative Rate Index**)

It is important to realize that while the percentages may suggest differences, the RRI scores will indicate whether disparity exists. This can happen because the proportions may look large, but when compared to the proportions for Anglo youth, a truer picture of disparity is presented. This is the main advantage of using RRI scores in addition to percentages.

ONE GROUP OF JUVENILES – 20 MONTHS

The population for this report is all juveniles referred in calendar year (CY) 2004 and followed for 20 months through August of 2005. The 48,697 juveniles who were referred statewide in CY2004 generated 74,200 referrals to juvenile court (some juveniles were referred more than once).

All of the data in the report stem from these juveniles/referrals and cover events through August, 2005. Any juvenile court activity that occurred after August of 2005 was not captured for this report. Therefore, while most of the referrals are followed through disposition, some were still pending action as of August 2005.

African American, Anglo, Hispanic and Native American youth are presented in this report. "Other" and "Unknown" race designations were not included in the breakouts or the totals⁷.

Asian youth were included in the analysis but are not presented in this report. This is done for two reasons. First, in general, the results

What is the Relative Rate Index (RRI)?

The Relative Rate Index (RRI) is a measure of over-representation used by the Office of Juvenile Justice and Delinquency Prevention.

It is designed to be an "early warning sign" measure, not an outcome. It should be used to point out problems so that the system's attention can be more effectively focused.

The RRI is a comparison of rates of occurrence for racial/ethnic groups.

A rate of occurrence is the number of cases of a juvenile justice event (for example, referral) in terms of another event (for example, juvenile population).

The RRI is calculated by taking the rate of occurrence of referrals for one race/ethnicity divided by the rate of occurrence of referral for another race/ethnicity (for this report, the base group is always Anglo). The RRI score is not calculated for any group whose proportion of the population is less than 1%.

For example, the rate of referral for Hispanics based on the Hispanic juvenile population (.0583) is divided by the rate of referral for Anglos based on the Anglo juvenile population (.0519).

This calculation provides a relative rate index (RRI) of 1.1 for Hispanic Youth (compared to the base RRI of 1.0 for Anglo youth). This suggests that Hispanic youth are only slightly more likely to be referred to Juvenile Court than Anglo youth.

An RRI of greater than one indicates some degree of over-representation.

indicated that there was no over representation of Asian youth at the statewide level. Second, the numbers were small enough at certain decision points to make analysis less meaningful.

DECISION POINTS REVIEWED

A decision point is one step in the juvenile justice process. This report reviews the following decision points (see the Glossary for further explanation):

- Referral (Paper or Physical/Detention)
- Diversion, Petition Filed, No Petition Filed, or Direct Filed in Adult Court
- Adjudicated, Transferred to Adult Court, or Non Adjudication
- Dispositions (Penalty Only, Department of Juvenile Corrections, or Probation (Standard or Intensive))

All of the data on the decision points are collected in the Juvenile On-Line Tracking System (JOLTS).

AFRICAN AMERICANS REFERRED AT A HIGHER RATE THAN ANGLO YOUTH. HISPANIC AND NATIVE AMERICAN REFERRED AT ABOUT THE SAME RATE AS ANGLO YOUTH.

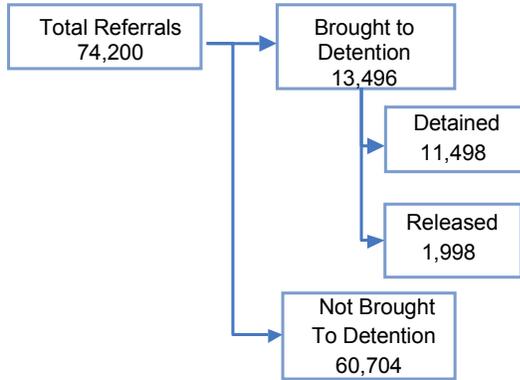
In 2004, 48,697 juveniles were referred to the Juvenile Court in Arizona. This represents 5.58% of the population of Arizona’s juveniles age 8 – 17 who are African American, Anglo, Hispanic or Native American.⁷

- For the most recent population data, Anglo youth made up more than half of all youth age 8 to 17 in Arizona. Hispanics accounted for more than one third and African Americans and Native Americans each accounted for less than 7% of the population.
- The state referral rate is 5.2 per 100 juveniles for Anglos, 9.2 for African Americans, 5.8 for Hispanics, and 4.8 for Native Americans. (The rate is presented as a percentage in Table 1)
- The RRI indicates that the rate of referral for African Americans is 1.8 times that of Anglos and that the rate of referral for Hispanics is 1.1 times that of Anglo youth and 0.9 for Native Americans.

Table 1. Arizona Population: Youth aged 8 – 17 years of age by Race for Census Year 2005⁵

	Number		Percentage		RRI Score ⁶
	Arizona Population	Juveniles Referred ⁷	Arizona Population	Juveniles Referred	
Total Juveniles	872,645	48,697	100.0%	5.58%	--
Anglo	448,099	23,256	51.35	5.19	1.0
African American	38,125	3,516	4.37	9.22	1.8
Hispanic	327,178	19,088	37.49	5.83	1.1
Native American	59,243	2,837	6.79	4.79	0.9

MOST REFERRALS NEVER BROUGHT TO DETENTION



In 2004, the 48,697 juveniles referred accounted for 74,200 referrals. In Arizona, 4 out of every 5 referrals are *not* brought to detention (paper referral). This means that the majority of the juveniles (81.8%) that are referred for a delinquent or incorrigible act do not go to a detention facility initially. In 2004, 85.2% of those brought to Detention are detained. This is a critical decision point in the process.

Minorities show a higher rate of being brought to detention, Native American Youth show a higher rate of being released. Of the 18.19% of referrals that resulted in a juvenile going to detention (physical referral):

- In 2004, 8.5 out of every 10 juveniles brought to a detention facility as a result of a referral were detained at the initial screening.
- The RRI scores indicate that minority youth were over-represented in the group *brought* to detention (RRI Range of 1.32 to 1.46).
- Once the juveniles were brought to detention, the RRI score indicates that all groups of juveniles had similar rates of detention at the initial screening except for Native American youth. These youth had a higher rate of release (RRI=1.54). Hispanics and African Americans had a lower rate of release (RRI=0.72) and (RRI=0.81) respectively. Reality is that almost all brought to Detention are detained.

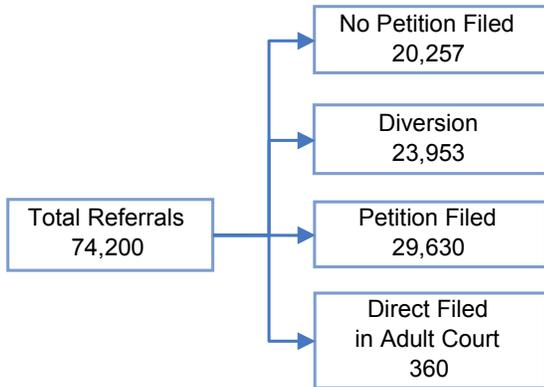
Table 2: Brought to Detention or Not

	Total Juvenile Referrals	Anglo Referrals	African American Referrals	Hispanic Referrals	Native American Referrals
Total Referrals	74,200	34,302	5,858	29,811	4,229
Percentage					
Not Brought to Detention	81.81%	84.66%	78.61%	79.76%	77.61%
Brought to Detention	18.19%	15.34%	21.39%	20.24%	22.39%
Detained	85.20	83.45	86.51	88.12	74.55
Released	14.80	16.55	13.49	11.88	25.45
RRI					
Paper Referral	--	1.0	0.9	1.0	0.9
Brought to Detention	--	1.0	1.39	1.32	1.46
Detained	--	1.0	1.04	1.06	0.89
Released	--	1.0	0.81	0.72	1.54

* Percentages are of the total referrals for that racial/ethnic group.

To Formally Process in Court or Not?

Referrals may result in formal court processing (Petitions or Direct Filing to Adult Court), or informal court processing (Diversion or No Petition Filed). It is possible for a referral to be diverted and then be filed as a petition if the consequence (sanction) was not completed.



Slight Differences in Not Having a Petition Filed and Diversion.

A petition may not be filed for a variety of reasons. It does not necessarily mean that no action was

taken by the juvenile court. This category does not include referrals that were deferred to adult, transferred to another jurisdiction, traffic-related or that had unclear outcomes.

Of the 74,200 referrals filed in 2004, there was no petition filed on 20,257 (27.3%).

- There is a difference in the relative rates for African American and Hispanic youth at this decision point.

Minority Groups are Less Likely to be Diverted.

Diversion is a process which allows the juvenile to avoid formal court processing if one or more conditions are completed and the juvenile accepts responsibility for the offense. Conditions may include community restitution, participation in counseling or education, or payment of a fine or restitution. Of the 74,200 referrals filed in 2004, 23,953 (32.3%) were diverted.

- In general, African American, Hispanic and Native American youth referrals were under-represented at the Diversion decision point with an RRI of 0.81 or 0.91. African American and Hispanic youth are also under-represented at the No Petition point. The converse of this is they are overrepresented on the Petition Filed decision point. The Direct Filed Over representation is significant.

Table 3: Formal and Informal Court Processing

	All Juvenile Referrals	Anglo Referrals	African American Referrals	Hispanic Referrals	Native American Referrals
Total Referrals	74,200	34,302	5,858	29,811	4,229
Percentage					
No Petition	27.30%	28.86%	25.73%	25.47%	27.70%
Diversion	32.28	34.14	27.83	31.18	31.09
Petition Filed	39.93	36.68	45.41	42.74	38.99
Direct Filed	0.49	0.31	1.04	0.61	0.21
RRI					
No Petition	--	1.0	0.86	0.90	0.96
Diversion	--	1.0	0.8	0.9	0.9
Petition Filed	--	1.0	1.2	1.2	1.1
Direct Filed	--	1.0	3.3	1.9	0.68

* Percentages are of the total referrals for that racial/ethnic group.

* Column percentages may not sum to 100%. Some referrals in the "No Petition" group may be pending decision.

Referrals for Minority Youth are More Likely to be Filed as Petitions.

A petition is filed when a juvenile is alleged to be delinquent or incorrigible and formal court processing is warranted. Of the 74,200 referrals filed in 2004, 29,630 (39.9%) resulted in petitions that were filed in juvenile court. The actual number of petitions is less than this because multiple referrals may be contained in a single petition.

- Nearly half (45.4%) of the African American referrals filed in 2004 resulted in a petition. This compares to 42.7% for Hispanic youth, 38.9% for Native American youth, and 36.7% for Anglo youth.
- The RRI score paints a picture that suggests that the referrals of African American (1.24) and Hispanic (1.17) youth are more likely to be filed as petitions than those of the other groups.

Hispanic and African American Youth Referrals are More Likely to be Direct Filed in Adult Court.

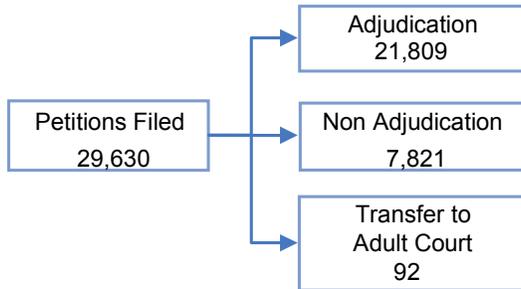
A juvenile, aged 15 or older, must be directly filed into adult court if accused of murder, forcible sexual assault, armed robbery, or other specified violent offenses. A juvenile will also be directly filed if previously convicted in adult court or if the juvenile has two prior felony adjudications and is arrested for a third felony. Finally, a juvenile who is 14 and a chronic offender or who is 14 or older and has committed one of a specified set of offenses may be directly filed in adult court at the discretion of the county attorney.

Direct filings are declining in Arizona. Less than one percent (360 or 0.49%) of the total referrals in 2004 resulted in a direct file to adult court. Nonetheless, significant over-representation exists at this decision point.

- The rate of Direct Filing for Hispanic and African American youth referrals is higher (1.66 and 2.67 times higher respectively) than for Anglo youth. Native American youth referrals had a rate of Direct Filing 0.64 times lower than Anglo youth.

FOLLOWING THE PETITION

Once a referral is filed as a petition, this report looks at three general categories of outcome - adjudicated, transfer to adult court (pending a transfer hearing), and non adjudication.



No Differences in Rates of Adjudication for Anglo and Minority Youth. Adjudication is the juvenile equivalent of a “conviction” in adult court. Of the 29,630 referrals resulting in petitions filed, 73.6% (21,809) were adjudicated.

- Rates of adjudication for all races are comparable with a higher rate for Native American youth.

Native American Youth Referrals are Less Likely to Fall Under “Non Adjudication”.

In addition to adjudication and transfer to adult court, a petition may result in no further action taken. This is generally called “dismissed,” in which case the juvenile is not adjudicated

delinquent. These cases can also involve situations in which a juvenile has turned 18, is transferred to another jurisdiction, or has absconded. In addition, when multiple charges are pending, one charge can be dismissed while another receives a disposition.

Of the 29,630 petitions filed in CY 2004, 7,821 (26.4%) were not adjudicated.

- African Americans had the highest proportion of non-adjudication (30.8%) and Native American youth had the lowest (20.5%).
- The RRI scores suggest that Native American (0.77), had a lower non-adjudication rate than Anglo youth. On the other hand, African American and Hispanic youth, (1.15) and (0.97) respectively, had about the same rate of non-adjudication as Anglo youth petitions.

Minority Youth differ in Petitions Transferred to Adult Court.

The county attorney may request that a juvenile be transferred to adult court following the filing of a petition in juvenile court. Of the 29,630 petitions filed in juvenile court, 92 (0.42%) referrals resulted in a transfer to adult court.

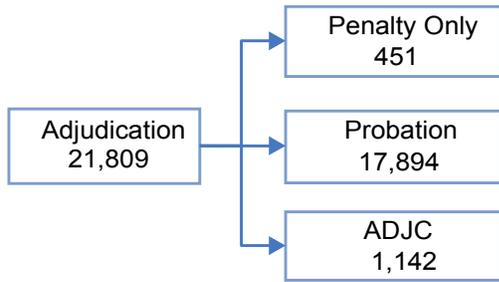
- The numbers in African American and Native American groups are very small (4) and (1) and therefore show little comparative value.
- The RRI scores suggest that Hispanic youth petitions are transferred at a higher rate (1.47) than any group.

Table 4: Post Petition Decisions

	All Juvenile Referrals	Anglo Referrals	African American Referrals	Hispanic Referrals	Native American Referrals
Petition Filed	29,630	12,581	2,660	12,740	1,649
Percentage					
Adjudicated	73.6%	73.3%	69.2%	74.1%	79.5%
Transferred	0.42	0.38	0.22	0.55	0.08
Non Adjudication	26.4	26.7	30.8	25.9	20.5
RRI					
Adjudicated	--	1.0	0.94	1.01	1.08
Transferred	--	1.0	0.54	1.47	0.22
Non Adjudication	--	1.0	1.15	0.97	0.77

* Percentages are of the total referrals for that racial/ethnic group.

DISPOSITION OPTIONS



Little Difference in the Rates of Receiving Probation for Anglo and Minority Youth. More than four-fifths (82.0%) of the adjudicated referral dispositions were to probation.

- The RRI scores support the percentages and suggest that there is no difference in the rates of receiving probation for all groups of youth.
- When looking at whether juvenile referrals are sent to standard or Juvenile Intensive Probation (JIPS), there is little difference in the relative rates of disposition. Hispanic youth have an elevated rate to JIPS.

African and Native American Youth Given “Penalty Only” Disposition at a Lower Rate than Anglo Youth. Adjudicated juveniles may receive only a penalty rather than probation or commitment to juvenile corrections. Only 2.1% of all referral dispositions fell into this category.

- Both the percentages and the RRI scores suggest that African American and Native American minority youth referrals receive a “penalty only” disposition at a lower rate than Anglo and Hispanic youth referrals.

African American and Hispanic Youth Referrals Committed to ADJC at a Higher Rate than Anglo and Native American Youth Referrals. Disposition to the Arizona Department of Juvenile Corrections (ADJC) is governed by statute and the Arizona Code of Judicial Administration. Only 5.2% of the adjudicated referrals from CY2004 involved commitments to ADJC.

- African American (RRI = 1.49) and Hispanic (RRI = 1.31) youth referrals had a higher rate of commitment to ADJC than Anglo youth referrals. The percentages support this as well (6.7%, 5.9% and 5.2% respectively).
- Native American lower rate (RRI = 0.90).

Table 5: Disposition Decisions

	All Juvenile Referrals	Anglo Referrals	African American Referrals	Hispanic Referrals	Native American Referrals
Adjudicated	21,809	9,219	1,841	9,438	1,311
Percentage					
Penalty Only	2.1%	2.2%	1.5%	2.2%	1.4%
Probation	82.0	83.3	80.8	81.2	81.4
Standard	63.2	66.3	64.0	59.5	67.1
JIPS	18.9	17.0	16.8	21.7	14.3
ADJC	5.2	4.5	6.7	5.9	4.0
RRI					
Penalty Only	--	1.0	0.70	1.01	0.64
Probation	--	1.0	0.97	0.97	0.98
Standard	--	1.0	0.97	0.90	1.01
JIPS	--	1.0	0.99	1.27	0.84
ADJC	--	1.0	1.49	1.31	0.90

* Percentages are of the total referrals for that racial/ethnic group.

DISCUSSION

In general, this report suggests that over representation exists ranging from a limited to a moderate extent within certain parts of Arizona's juvenile justice system. There are some differences from the report done two years ago but over all much remains the same with minor movement. It is important to note that offense severity and prior offense history were not included in this analysis. Thus, no comparisons between juveniles with similar offenses or prior histories were conducted. This second report process and procedures mirror the first report and thus the outcomes can be compared.

Limitations of State Data

It is recognized that using State data for this report has some limitations. Differences in the various counties due to ethnic diversity tends to be blurred when the report is State based. It is encouraged that each County conduct its own review of the over-representation issue experienced in the local.

Referrals

African American youth were referred at a rate over 2 times higher than would be expected by their representation in the overall juvenile population (92 per 1,000 youth). Anglo youth were the least likely to be referred (10 times lower than their proportion in the population).

The Relative Rate Index (RRI) score provides a statistical comparison of each minority group to Anglo youth. The RRI scores bear out the over-representation for African American youth (1.8). At the State level, Native American and Hispanic youth evidence no over-representation at the referral stage.

Both the percentages and the RRI suggest that, at the state level, the juvenile courts began with a disproportionate number of African American youth before any court/probation decisions were made.

Physical versus Paper Referrals

Across the state, the majority of juvenile referrals come to the juvenile court as paper referrals. Less than one-fifth of the juveniles are even

brought to detention. Throughout the history of DMC, the focus was so often on detention that we tend to ignore the fact that the majority of juveniles do not go to detention initially on a referral. Instead, over 4/5 of juvenile referrals are sent directly to the court or county attorney. Of the referrals that bypass detention, Anglo youth are the most likely to initially avoid detention (84.86%).

In Arizona, a juvenile who is brought to detention is likely to stay there. Across the state, only three in twenty of the juveniles who are brought to detention are released after screening. Thus, while Hispanic and African American youth represent the greatest proportions of juveniles initially detained on a referral, the fact that most juveniles are detained likely obscures any real over-representation at this decision point. The high percentage of juveniles detained at screening is an issue that goes beyond over-representation and is the focus of a movement, the Juvenile Detention Alternative Initiative (JDAI), which has been on-going nationally for over a decade and is emerging in Arizona.⁸

Native American youth are brought to detention at a higher rate (RRI = 1.46) than any other group yet show the highest portion of release at screening (RRI = 1.54). No information in this report is able to explain that difference and may be the impact of tribal involvement.

Decision made Post-Referral

Referrals to the juvenile court can be diverted or not filed at all, filed as a petition, or direct filed in adult court. In general, the pattern that began with referral is carried through these decisions. African American and Hispanic youth referrals are direct filed in adult court and filed as petitions in juvenile court at a higher rate than Anglo and Native American youth referrals. Conversely, the former are sent through the diversion process proportionately less than the latter. While this could suggest that minority youth are not given the same opportunities to avoid formal court processing, there are certain criteria that juveniles must meet in order to be eligible for diversion.⁹ The lack of review of offense severity further limits any conclusion.

The Direct Filing process gives one cause for concern. African American and Hispanic youth are direct filed at a much higher rate than Anglo youth. RRI of 2.67 and 1.66 indicate concern in this area.

Transfers to adult court do not have the same degree of over-representation as direct filings, but there is evidence of slight over-representation at this decision point, particularly Hispanic youth referrals. African Americans are significantly under represented. The referrals that are direct filed may account for this second point. The Native American representation here is too small to award significance. This decision point has the greatest mix of mandatory and discretionary decisions.

Dispositions

In general, juveniles in Arizona are overwhelmingly placed on probation following adjudication. Four-fifths of all adjudicated juvenile referrals are dispositioned to either standard or intensive probation (JIPS). All groups cluster around the same rate of being placed on probation. Intensive is higher for Hispanic and lower for Native American youth. Juveniles in all groups were more likely to receive dispositions of standard probation with less than one in five referral dispositions being to JIPS.

Alternatively, African American and Hispanic youth referrals were proportionately more represented in commitments to the Arizona Department of Juvenile Corrections (ADJC). RRI = 1.49 and 1.31 for these groups.

Population Estimates

A note must be made regarding the population estimates used as the basis for the Relative Rate Index. It is a very difficult task to confirm consistency in the population estimates in Arizona for the racial/ethnic characteristics and 8 to 18 age group. The newest census numbers for the State do not support this break out of the data and other sources are relied on for this purpose.

This is critical information for the purposes of all juvenile information be it health care, education or juvenile justice. Without consistent information from the census department, it is difficult to review the racial characteristics of the population.

Relative Rate Index

One of the advantages of the RRI analysis is that the comparison of youth is based on a previous decision point and not always on base population rates. Some discussion can take place as to which previous decision point should be used as the basis for the ratio. For instance, if one examines Probation, what is the basis used for the comparison, referrals, petitions or adjudications. This document uses adjudications as that is the decision point that allows sentencing and thus a choice for probation or some other disposition. Listed is the ratio information used to compute the RRI scores.

Referrals (Juveniles Referred : Population), Detention (Paper or Brought : All Referrals), (Detained or Released : Brought to Detention), Court Processing (No Petition, Petition or Diversion : All Referrals) (Direct Filed : Petitioned), Post Petition (Adjudicated, Transferred or Non Adjudicated : Petitioned), Disposition (Penalty Only, Probation, ADJC : Adjudicated), (Standard or JIPS : Probation).

GLOSSARY OF JUVENILE JUSTICE TERMS

Adjudication: The proceeding in which the juvenile is found to be delinquent. In some respects, an “adjudication” for a delinquent offense is the juvenile court’s equivalent of a “criminal conviction” in adult court.

Arizona Department of Juvenile Corrections (ADJC): The ADJC is operated by the executive branch and is the juvenile counterpart of the Department of Corrections. ADJC operates facilities and programs primarily aimed at more serious juvenile offenders committed to their care and custody by the juvenile courts. ADJC operates secure correctional facilities, community-based after care programs, and juvenile parole.

Delinquent Juvenile: A delinquent juvenile is a juvenile who commits an illegal offense. If the same offense had been committed by an adult, the offense would be a criminal act.

Detention: Juvenile detention is defined as the temporary confinement of a juvenile in a physically restricting facility. Juveniles are typically held in detention pending court hearings for purposes of public safety, their own protection, or as a consequence for misbehavior. This report is concerned with detention as a result of a referral and not as a consequence.

Disposition: Disposition refers to the process by which the juvenile court judge decides the best court action for the juvenile. It is comparable to “sentencing” in the adult system.

Direct Filed in Adult Court: A.R.S. §13-501 mandates that the “county attorney shall bring criminal prosecution against a juvenile in the same manner as an adult if the juvenile is 15, 16, or 17 years of age and is accused of any of the following offenses”: first degree murder; second degree murder; forcible sexual assault; armed robbery; any other violent offenses defined as aggravated assault, aggravated assault with a deadly weapon, drive by shooting, and discharging a firearm at a structure; a felony offense committed by a juvenile who has two prior and separate adjudications; and any offense joined to the other offenses. The county attorney also has statutorily defined discretion for direct filing.

Diversion: Diversion is a process by which formal court action (prosecution) is averted. The diversion process is an opportunity for youth to admit their misdeeds and to accept the consequences without going through a formal adjudication and disposition process. By statute, the county attorney has sole discretion to divert prosecution for juveniles accused of committing any incorrigible or delinquent offense.

Juvenile Intensive Probation (JIPS): Arizona Revised Statutes (A.R.S. §8-351) defines JIPS as “a program ... of highly structured and closely supervised juvenile probation...which emphasizes surveillance, treatment, work, education and home detention.” A primary purpose of JIPS is to reduce the commitments to the Arizona Department of Juvenile Corrections (ADJC) and other institutional or out-of-home placements. Statute requires that all juveniles adjudicated for a second felony offense must be placed on JIPS, committed to ADJC, or sent to adult court.

Non Adjudication: Includes cases where the petition is filed but the case may be dismissed or the juvenile turns 18 or is transferred to another jurisdiction or absconds.

No Petition Filed: Includes judicially adjusted complaints (typically juveniles assigned a consequence), absconders, complaints where there is insufficient evidence to continue, victim refusals to prosecute, and other reasons a petition might not be filed.

Penalty Only: A disposition involving only fines, fees, restitution, and/or community work service.

Petition: A “petition” is a legal document filed in the juvenile court alleging that a juvenile is a delinquent, incorrigible, or a dependent child and requesting that the court assume jurisdiction over the youth. The petition initiates the formal court hearing process of the juvenile court. The county attorney, who determines what charges to bring against the juvenile, prepares the delinquent or incorrigibility petition.

Referral: Referral can be made by police, parents, school officials, probation officers or other agencies or individuals requesting that the juvenile court assume jurisdiction over the juvenile's conduct. Referrals can be "paper referrals" issued as citations or police reports or "physical referrals" as in an actual arrest and custody by law enforcement. Juveniles may have multiple referrals during any given year or over an extended period of time between the ages of 8-17. Multiple referrals typically signal high risk, even when the referrals are for numerous incorrigible or relatively minor offenses.

Standard Probation: A program for the supervision of juveniles placed on probation by the court. These juveniles are under the care and control of the court and are supervised by probation officers.

Transfer to Adult Court: Adult court has been defined in statute as the appropriate justice court, municipal court or criminal division of Superior Court with jurisdiction to hear offenses committed by juveniles. Statute specifies that juveniles who commit certain offenses, are chronic felony offenders, or have historical prior convictions, must be prosecuted in the adult court and if convicted, are subject to adult sentencing laws.

APPENDIX

2004 REPORT CARD CHARTS (CY 2002 DATA)

Table 1. Arizona Population: Youth aged 8 – 17 years of age by Race for Census Year 2000⁴

	Number		Percentage		RRI Score ⁵
	Arizona Population	Juveniles Referred ⁶	Arizona Population	Juveniles Referred	
Total Juveniles	723,444	49,014	100.0%	6.8%	--
Anglo	391,280	24,902	54.1	6.4	1.0
African American	26,483	3,163	3.7	11.9	1.9
Hispanic	252,333	18,192	34.9	7.2	1.1
Native American	53,348	2,757	7.4	5.2	0.8

MOST REFERRALS NEVER BROUGHT TO DETENTION

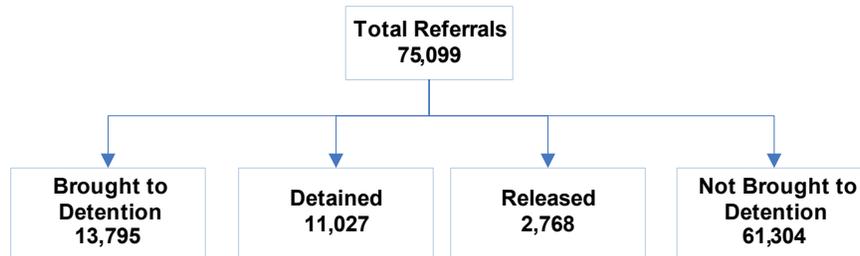


Table 2: Brought to Detention or Not

	Total Juvenile Referrals	Anglo Referrals	African American Referrals	Hispanic Referrals	Native American Referrals
Total Referrals	75,099	36,839	5,229	28,852	4,179
Percentage					
Not Brought to Detention	81.6%	83.8%	77.7%	80.0%	78.8%
Brought to Detention	18.4	16.2	22.3	20.0	21.2
Detained	79.9	78.6	81.3	82.1	71.0
Released	20.1	21.2	18.5	17.8	29.0
RRI					
Paper Referral	--	1.0	0.9	1.0	0.9
Brought to Detention	--	1.0	1.4	1.2	1.3
Detained	--	1.0	1.0	1.0	0.9
Released	--	1.0	0.9	0.8	1.4

FORMAL COURT PROCESS OR NOT

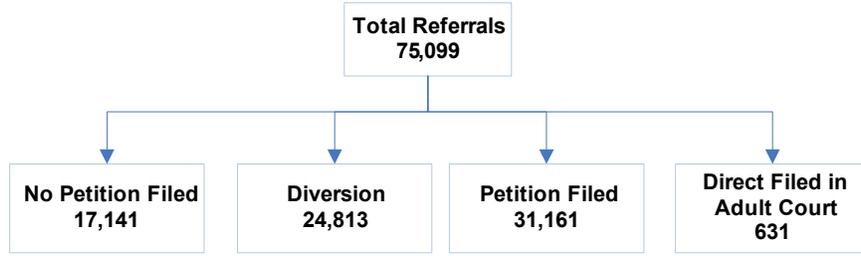


Table 3: Formal and Informal Court Processing

	All Juvenile Referrals	Anglo Referrals	African American Referrals	Hispanic Referrals	Native American Referrals
Total Referrals	75,099	36,839	5,229	28,852	4,179
Percentage					
No Petition	22.8%	24.0%	23.1%	20.7%	26.3%
Diversion	33.0	35.3	27.9	31.6	29.5
Petition Filed	41.5	37.6	47.7	45.4	40.7
Direct Filed	0.8	0.6	0.9	1.2	0.7
RRI					
No Petition	--	1.0	1.0	0.9	1.1
Diversion	--	1.0	0.8	0.9	0.8
Petition Filed	--	1.0	1.3	1.2	1.1
Direct Filed	--	1.0	1.7	2.2	1.2

* Percentages are of the total referrals for that racial/ethnic group.

* Column percentages may not sum to 100%. The remaining data is either pending cases or unclear outcomes.

FOLLOWING THE PETITION

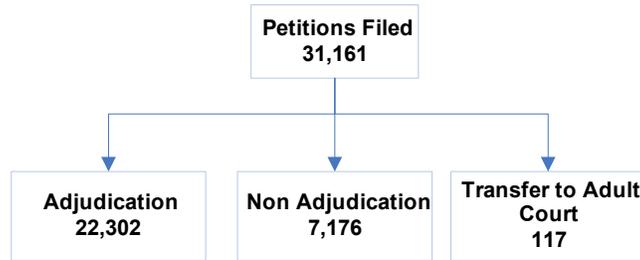


Table 4: Post Petition Decisions

	All Juvenile Referrals	Anglo Referrals	African American Referrals	Hispanic Referrals	Native American Referrals
Petition Filed	31,161	13,866	2,494	13,100	1,701
Percentage					
Adjudicated	71.6%	72.0%	68.8%	71.5%	72.9%
Transferred	0.4	0.3	0.4	0.4	0.4
Non Adjudication	23.0	24.0	24.3	22.2	19.6
RRI					
Adjudicated	--	1.0	1.0	1.0	1.0
Transferred	--	1.0	1.4	1.4	1.1
Non Adjudication	--	1.0	1.0	0.9	0.8

DISPOSITION OPTIONS

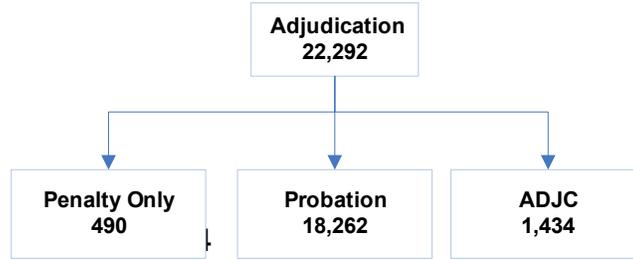


Table 5: Disposition Decisions

	All Juvenile Referrals	Anglo Referrals	African American Referrals	Hispanic Referrals	Native American Referrals
Adjudicated	22,292	9,981	1,716	9,365	1,240
Percentage					
Penalty Only	2.2%	2.4%	1.7%	2.1%	1.6%
Probation	81.9	84.2	80.1	79.9	81.0
Standard	62.2	65.6	59.3	58.6	65.1
JIPS	19.8	18.3	20.8	21.3	15.9
ADJC	6.4	5.0	8.1	7.8	5.0
RRI					
Penalty Only	--	1.0	0.7	0.9	0.7
Probation	--	1.0	1.0	1.0	1.0
Standard	--	1.0	0.9	0.9	1.0
JIPS	--	1.0	1.1	1.1	0.9
ADJC	--	1.0	1.6	1.6	1.0

End Notes

¹ Equitable Treatment of Minority Youth: A Report on the Over-Representation of Minority Youth in Arizona Juvenile Justice System. Published by the Arizona Juvenile Justice Advisory Council, Minority Youth Issues Committee. Dr. P. Bortner et al, July 1993.

² Devine, Coolbaugh, and Jenkins, NCJ 173420

³ Equitable Treatment of Minority Youth in the Arizona Juvenile Justice System: A Follow-up to the 1993 Equitable Treatment Report Published by the Commission on Minorities, 2002.

⁴ Equitable Treatment of Minority Youth: First Annual Arizona Statewide Report Card 2004 Published by the Commission of Minorities. For information see website:
<http://www.supreme.state.az.us/courtserv/ComMinorities/2004ReportCard.pdf>

⁵The figures for 2005 are the most recent data available for the state of Arizona. Data was obtained from the U.S Census Bureau, Arizona Department of Economic Security and National Center for Juvenile Justice. Computations for “at risk” population along with race and ethnic use population numbers of census with proportions computed from NCJJ Easy Access to Juvenile Populations.

⁶RRI – Relative Rate Index – a comparison of the rate of referral for each race/ethnicity to the rate of referral for Anglo youth. Over-representation occurs with scores greater than 1. Under-representation is indicated by scores less than one. The RRI is not calculated when the race/ethnic group is less than 1% of the population.

⁷The “other” and “unknown” race/ethnicity along with Asian categories are not included. The actual total of juveniles referred is 49,752.

⁸The Annie E. Casey Foundation launched the JDAI in December of 1992 and funds the efforts of juvenile jurisdictions around the nation. For more information, see their website: www.aecf.org

⁹The county attorney determines which juveniles are eligible for diversion based on statutorily established criteria. In addition, the juvenile must admit responsibility and either pay restitution, pay a fine, or participate in community work service or some type of programming.

