ARIZONA JUDICIAL COUNCIL

Request for Council Action

Date Action Requested:	Type of Action Requested:	Subject:
October 11, 2017	_X_ Formal Action/Request __ Information Only __ Other	Detention Regionalization Task Force

FROM:

Joseph Kelroy, Juvenile Justice Services Division Director
Chair, The Task Force on Detention Regionalization

DISCUSSION:

Recommendations from the Task Force pertaining to changing practices as it relates to detention services and repurposing of unused space.

RECOMMENDED COUNCIL ACTION:

We respectfully request that the council support the seven recommendations from the Task Force.

As the numbers of juveniles detained each year in Arizona decline, this report recommends changes to statute, rule and code to authorize changing practices.

Detention Regionalization:

A Report from the Task Force on Detention Regionalization to the Arizona Judicial Council

September 30th, 2017

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EXECUTIVE SUMMARY

Task Force Purpose and Activities

While a significant amount of state and local funding was raised in the early 1990's to build or re-build juvenile detention centers in every county to address overcrowding and unsafe housing conditions, the state has since experienced a drastic decline in the number of juveniles detained in county detention centers. As a result, many local jurisdictions are now faced with decisions regarding the ongoing financial cost of maintaining nearly empty facilities and the ongoing need to adjust to the changing landscape of the juvenile justice system.

As such, on March 15, 2017, Chief Justice Scott Bales issued Administrative Order No. 2017-30 which established a Task Force on the Utilization of Juvenile Detention Centers. The Task Force was directed to develop recommendations on how best to utilize current detention center space, with four primary focus areas:

a. Current detention space utilization and costs;
b. Viability of regional detention centers;
c. Options for repurposing unused detention center space; and
d. Any other options that achieve the goals of providing safe, secure, and reasonable accessible detention facilities for detained children.

The Task Force, which included 20 members representing a statewide cross section of positions ranging from juvenile court judges to county managers, met once a month between April 2017 and September 2017.[1] Recognizing that detaining a juvenile is one part of a continuum of responses by the juvenile court, based on risk and the need to balance public safety and a juvenile's due process rights, the Task Force sought to identify best practices in this area. In doing so, the Task Force brought in several guest speakers from within and outside of the state to provide their perspective on detention center utilization strategies. Throughout the review process, the Task Force sought to address the many issues related to the declining juvenile detainee population and discussed the potential options including regionalization, closing a facility altogether and converting its space, and continuing to utilize a facility for other juvenile court-related purposes.

Task Force Recommendations

The recommendations set forth in this report, through statutory, rule and code changes, will enable the continued advancement of the practice of probation and detention services in Arizona. Specifically, the Task Force recommends:

1. **The Arizona Judicial Council should support a revision to clarify in A.R.S. Title 8 that counties may contract with other counties for detention center services.**

2. **The Arizona Judicial Council should recommend a statutory change and the supreme court should establish a court rule authorizing temporary custody, for up to 48 hours, for juveniles who are awaiting transport to a detention center in another county.**

[1] See Appendix A for the Administrative Order and Task Force Membership

3. **The Arizona Supreme Court should expand the detention standards to include safety standards, training and designated transportation duties.**

4. **The Arizona Judicial Council should support revisions to A.R.S. § 8-209 to authorize: 1) the presiding juvenile court judge to repurpose unused detention space and 2) juvenile court staff to provide services and programs within the repurposed detention space.**

5. **A local juvenile court and county should enter into an intergovernmental agreement for detention services if the county decides to close the county detention facility.**

6. **The detention standards should include language requiring designated juvenile court staff to use the AOC-approved Detention Screening Instrument (DSI).**[2]

7. **The AOC should modify JOLTSaz to provide participating counties the ability to view and receive data reports on their juveniles in detention.**

[2] See Appendix B for the AOC approved DSI.

JUVENILE JUSTICE BACKGROUND AND TRENDS

Juvenile Justice Practices are Changing

Established over 100 years ago, the Juvenile Court protects juveniles and treats them differently than adults in the criminal justice system. These differences are codified and mandated through separate juvenile justice statutes which explicitly provide for due process, parent/guardian involvement and fair and swift justice (In re Gault).

While the overall goals of juvenile justice today are similar to those of 100 years ago, juvenile courts are moving toward an evidenced-based, data driven, and collaborative system. Through research based initiatives and practice models, such as the Cross-Over Youth Practice Model (CYPM) and Juvenile Detention Alternatives Initiative (JDAI), state and national policy makers and practitioners are now informed that states and local jurisdictions continue to remove a portion of juveniles from the community and placed in secure detention and state facilities for reasons other than public safety. However, a growing body of research tells us that youth who experience confinement have unintended negative outcomes that can often run counter to public safety goals. The deprivation of liberty and conditions of confinement, particularly among youth, have both physical and mental health repercussions and adverse impacts on education and employment. Both short-term and long-term physical and emotional separation of youth from their communities make it difficult for them to re-engage with their community after release, which hinders recovery and success. (Dangers of Detention Report).[3] Understanding these implications, jurisdictions around the nation, including Arizona, have continued to change practice and re-direct resources that continue to significantly rely on secure detention while maintaining youth accountability and public safety. In Arizona, the responsibility for overseeing the juvenile probation and detention systems is carried out through the Administrative Office of the Courts, Juvenile Justice Services Division and local county juvenile probation departments.

Declining Juvenile Detention Population

In addition to changing juvenile probation and detention practices, the country experienced a dramatic reduction in incarceration rates in the last ten years, with the fastest decline occurring between 2006 and 2010. Specifically, while Arizona's youth population nearly doubled from 1995-2015, the number of referrals to the juvenile justice system decreased by more than 50 percent in the same period. Likewise, the Uniform Crime Report reflected a decrease at the same rate as Arizona's referrals. [4]

Moreover, Arizona's use of secure detention and commitment to state secure care (Arizona Department of Juvenile Corrections) is proportionately decreasing at a faster rate than the decline in referrals. Arizona has experienced a 64 percent reduction in the number of juveniles detained in county detention centers since 2008. The Arizona Department of Juvenile Corrections has seen

[3] http://www.justicepolicy.org/images/upload/06-11_REP_DangersOfDetention_JJ.pdf or Appendix C.
[4] The Uniform Crime Report is the Federal Bureau of Investigations report, by state, of reported crime.

similar declines over the same period. The following chart outlines the last fiscal year's detention capacity and average daily population.

		FY17 Average Daily Population	Physical Capacity[1]	Operational Capacity2
Apache		*	13	0
Cochise		10.6	42	16
Coconino		14.3	41	21
Gila		1.2	26	0
Graham		10.7	48	24
Greenlee		*	*	*
La Paz		*	*	*
Maricopa	Durango	82	144	96
	Southeast Facility	70	142	96
Mohave		9.5	32	22
Navajo		10.6	42	0
Pima		47.6	243	91
Pinal		14	64	32
Santa Cruz		7.6	32	16
Yavapai		25.7	80	40
Yuma		35.9	68	56
Total		339.7	1017	510

*Indicates no detention center was operational in this county in FY17, youth detained from this county were added to the receiving counties data.

[1]Physical Capacity refers to the builidng capacity.

[2]Operational Capacity refers to the capacity that the county is staffed to operate.

Counties Face Issues with Justifying High Costs for Declining Population

While the declining population of detained juveniles across the state is a favorable trend, it raises the issue of what to do with the empty bed space, particularly when considering the significant fiscal implication. Statewide, the total investment in juvenile detention and state juvenile corrections is approximately $100 million. In FY2017, local county detention costs (funded by local jurisdictions) equaled approximately 58 percent of that amount, with juvenile corrections consuming the remaining 42 percent. While the State has historically funded juvenile corrections, a recent state mandate requires counties to subsidize a portion of state juvenile correction costs (approximately $11.3 million). This mandate brings the county financial obligation for detention and associated services from 58 percent to 70 percent.[5]

This cost shift of a portion of state corrections funding to counties combined with declining detention population have forced many counties to consider whether continuing to operate a local juvenile detention center is feasible and in the best interest of the community they serve. The impact and challenges are more pronounced in Arizona's rural communities. Arizona's two largest, metropolitan counties (Maricopa and Pima) have greater capacities in terms of types of services and service providers, but have challenges with transportation and accessibility of

[5] The state temporarily defrayed some of the costs of the statutory mandate through a one-time $8 million appropriation in FY17, which reduced the county financial obligation at approximately 61 percent for that fiscal year.

providers. Challenges for the remaining 13 rural counties extend beyond these issues and include fiscal limitations, transportation, technology, and lack of capacity in terms of provision of service and service providers. The entire state faces geographical (driving distance) challenges.[6]

Early Efforts in Some Arizona Counties

Given the ongoing high cost to operate a detention facility and the other challenges in meeting service needs for juveniles in detention, five counties in Arizona do not operate juvenile detention centers as of July 1, 2017. Prior to July 1, 2017, Greenlee County contracted with Graham County, La Paz County contracted with Yuma County and Apache County contracted with Navajo County. As of July 1, Gila and Navajo counties have also closed their detention centers. Three of the five counties currently have intergovernmental agreements (IGA's) with Pinal County to provide detention services and are considering different options for repurposing their closed facilities.

Some of the involved counties provided the Task Force details regarding their decision and the lessons learned, both of which helped shape the Task Force's recommendations:

Apache County

Apache County closed its Juvenile Detention Center ("JDC") in 2015. For at least three years leading up to 2015, the JDC had an average daily population of 1.7 juveniles, with six to eight weeks where the JDC was completely vacant. The average annual cost of operating the JDC pursuant to regulations was $1.2 million per year. Due to the cost associated with operating an independent facility and the extremely low usage, the Superior Court and the Board of Supervisors decided to close the JDC. Apache County entered into an agreement with Navajo County, (located approximately 40 minutes from the Apache County seat in St. Johns) to house its juveniles at a cost of $90,000 per year for up to four juveniles per day, and an additional daily rate when more than four Apache County juveniles were housed on any given day.

However, in 2017, due to a steady decline in juveniles being detained and significant county revenue reduction, Navajo County also closed its juvenile detention center. Consequently, Apache County once again faced the issue of where to house its juveniles. Presiding Judge Latham visited many detention centers around the state and, with the approval of the Apache County Board of Supervisors, decided to enter into an agreement with Pinal County. Rather than using the same flat fee agreement as it used with Navajo County, Apache County agreed to pay Pinal County a daily rate of $175 per juvenile housed.[7]

Due to the distances involved (Pinal County is located approximately three hours away from St. Johns) and the court's interest in keeping juveniles from their community closer to home, it replicated ideas from other counties to develop a new model that would better serve Apache County juveniles and the community. This new model provides for alternatives to detention when appropriate reducing the need for reliance on secure detention.

[6] See Appendix D Mileage Chart
[7] The $175 daily rate is also the same rate Pinal County charges the United States Marshall's Office detainees.

Gila County

Like Apache County, Gila County had also experienced a declining trend in the number of detained juveniles, often going weeks without any juveniles in custody. The loss of detention center staff, in the event the center closed, was also a concern, due to the lack of other employment in the small town of Globe. Meetings occurred with the County Manager, Board of Supervisors, Presiding Juvenile Judge and Presiding Judge. Ultimately, they agreed to a phased closing, allowing time for detention officers to find new employment. Some took positions with the jail, some with other local jurisdictions, and some remained in place, performing new duties created by the closing of the center.

Gila County closed its detention center on June 30, 2017 and entered into an agreement with Pinal County Detention Center for one year (renewable for five) with a per diem of $175 per day/per juvenile, budgeting $130,000 annually.[8] A primary concern of the probation department during this process was to ensure 24-hour responsiveness to law enforcement and the courts. Thus, a small number of employees remain on-site around the clock and juvenile probation officers are on call to take custody of juveniles from law enforcement following an arrest. Additionally, screening for detention using the Detention Screening Instrument (DSI) is still conducted and, if necessary, probation staff transport juveniles to and from court and the Pinal County Detention Center. As in Apache County, Gila County purchased two new vans with appropriate security features to transport juveniles and their families, as the probation department continues to encourage parents to participate in visitation with their children. The Gila County Probation Department believes that by focusing on prevention and family engagement, it will never have the need to reopen its detention facility.

Navajo County

The Navajo County Juvenile Detention Center was closed on June 31, 2017. Due to the low average number of juveniles detained in the center and an average annual cost of $1.2 million to operate, Navajo County decided to explore alternative arrangements to detain juveniles. Leaders from the Superior Court, County Management, and the Board of Supervisors began meeting to discuss different possibilities. After consideration of several options, it was decided to enter into an agreement with Pinal County to provide detention services for Navajo County youth. Navajo County now pays Pinal County $175 per day for each juvenile housed in the Pinal County Detention Center. The court retained two detention staff to provide transport for detention, however the distance involved and unpredictable nature of the need to transport has been difficult to manage. Navajo County has not yet made any decisions regarding the future of its vacant detention center.

As an alternative to detention, Navajo County Juvenile Probation Department and the Navajo County Accommodation School District have partnered to develop an alternative school program.

[8] See Appendix E for sample IGA between Navajo and Pinal County.

This program consists of high school classes, life skills classes, counseling, and intensive supervision.

Pinal County

Pinal County Juvenile Court Services adopted the Juvenile Detention Alternatives Initiative (JDAI) in 2012. One of the founding principles of JDAI is that reducing incarceration and confinement for youth improves outcomes, which is supported by national data. Due to Pinal County's success in implementing JDAI and other evidence-based practices, it experienced a 67 percent decrease in the number of youth detained from 2011 to 2017. This decrease has allowed Pinal County to reallocate resources to other needs of youth and families in its communities.

While Pinal County's Youth Justice Center (YJC) currently operates 24 beds, due to the declining juvenile detention population, it is a modern facility with a capacity to operate 96 beds. As such, the YJC has sufficient room to accommodate juveniles from other counties.

In the spring of 2017, Gila County approached Pinal County indicating interest in housing its youth in Pinal County's facility, should Gila County leadership decide to close its facility. After consultation with court leadership and the Pinal County Manager, the two counties agreed to enter into an agreement. Chief Probation Officer, Steve Lessard toured the Pinal County YJC shortly thereafter, and within a few months, the two counties created an IGA.

Pinal County subsequently received inquiries from Apache and Navajo Counties about also using its YJC for detention purposes. As previously noted, Apache needed bed space after its agreement with Navajo County ended due to the facility closure in that county. And, with Navajo County closing its facility, it also needed an option for housing its detained youth.

The leadership teams from all three counties participated in a tour of the facility. Detention staff presented information on the juveniles' day-to day activities including transitional services, therapeutic intervention by licensed professional counselors (individual and group intervention), direct supervision, detention officer programing (e.g., life skills, I-Civics, etc.), behavior management system, and education.

Recently, the YJC received certification as a Prison Rape Elimination Act (PREA) facility. The first PREA audit was completed in 2016, with another audit scheduled for 2018.

Other Counties Considering Other Purposes

While other counties continue to experience a decline in numbers, they are currently staffed to meet the needs of the juveniles they serve. Nevertheless, some are also in the process of identifying options for repurposing unused space.

DISCUSSION SUPPORTING RECOMMENDATIONS

Combined, the changing juvenile justice landscape, the declining juvenile detention population in many counties, and the experiences to date within and outside of the state, helped inform the Task Force about potential options, as well as guide its discussion and formulate its recommendations on how best to use current detention center space. In its deliberations, the Task Force heard from several guest speakers who were brought in over the course of the five meetings, including:

- Molly Rogers, Director of Youth Services, Wasco County, Oregon – Director Rogers provided a model for regionalization that encompassed four counties in Oregon which joined together in an intergovernmental relationship. Director Rogers discussed the structure, operation, policies and programming, and candidly presented the challenges and the areas they would change if they were to start over.
- Information on the Casey Foundation Juvenile Detention Alternatives Initiatives (JDAI), including its definition of the purpose of detention and guidelines on alternative programming. New Jersey serves as the JDAI state model site. In addition to closing some detention centers around the state New Jersey developed a checklist, "*Guidelines to Assist Counties, Changes in Juvenile Detention Facility Utilization*" which was shared with the Task Force. [9]
- Michal Rudnick, Senior Project Management Administrator, Arizona Health Care Cost Containment System (AHCCCS) – Ms. Rudnick discussed services that are suspended when juveniles are detained as well as services for juveniles released from secure detention. Ms. Rudnick also discussed strategies used within AHCCCS and the Regional Behavioral Health Associations (RBHA) to target the different challenges faced by both rural and metropolitan counties. Ms. Rudnick emphasized the need for continued collaboration between juvenile justice stakeholders at the AHCCCS juvenile justice quarterly meetings.

Eight Principles for Successful Regionalization

The Task Force identified eight principles it considered as essential elements for successful regionalization. Each principle contains the Task Force's thoughts on best practices for detention in Arizona as well as its recommendation(s) to establish and implement those best practices.

Principle #1: Legal Framework for Detention Center Regionalization

The task force identified Arizona laws and court rules that require review and possible amendments to implement regionalized detention centers.[10] Nationally, the landmark United States Supreme Court case of In re Gault. 87 S. Ct. 1428 (1967) sets forth principles regarding juvenile justice and detention. The decision held that juveniles in delinquency proceedings must be afforded the same due process rights as adults, such as the right to timely notification of the charges, the right to confront witnesses, the right against self-incrimination, and the right to counsel.

[9] See Appendix F for New Jersey's Checklist

[10] In Arizona, the Arizona Constitution, Article 4, Part 2, §22 impacts all discussions around juvenile justice and all matters affecting juvenile delinquency proceedings. This section states: "In order to preserve and protect the right of the people to justice and public safety, and to ensure fairness and accountability when juveniles engage in unlawful conduct, the legislature, or the people by initiative or referendum, shall have the authority to enact substantive and procedural laws regarding all proceedings and matters affecting such juveniles."

Authorizing Regional Detention Services

The task force recognized that any discussion about detention center regionalization would need to consider venue, appearance, and representation requirements. Venue in delinquency proceedings is the county in which the alleged delinquent act occurred. Statute requires the local law enforcement officer to investigate alleged acts of delinquency or incorrigibility. Any child over 10 years of age is required to appear in court and has the right to legal counsel. While the child's parents are also required to appear in court, the parents' appearance can be waived for good cause. If the parent fails to appear without a showing of good cause, the court will issue an Order to Show Cause. Court rules further define the term appearance and permit telephone or video-conferencing when stipulated to by the parties and authorized by the court.

When analyzing regional detention center models, it is important to read and analyze the entire statutory framework addressing juvenile detention centers and the powers of governmental entities together. Although, A.R.S. § 8-305(A) provides that the county board of supervisors or the county jail district (if authorized, pursuant to title 48, chapter 25), **shall** maintain a detention center, Titles 11 and 48 of the statutes authorize the county board of supervisors or county jail districts to enter into agreements with other governmental agencies to satisfy those obligations. Therefore, the Task Force believes Title 8 should also contain language authorizing the county board of supervisors or the county jail district to enter into IGA's for juvenile detention services.

Recommendation #1: The Arizona Judicial Council should support a revision to clarify in A.R.S. Title 8 that counties may contract with other counties for detention center services.

"Temporary Custody" in Relation to Detention Centers

The issue of "temporary custody" or "intake" pending transport, presents challenges for the five counties contracting for out-of-county detention services. Navajo and Apache Counties, for example, transport juveniles approximately three hours each way to Pinal County. Greenlee and Gila Counties are transporting juveniles approximately one hour each way to their respective detention partners. During non-business hours, without additional statutory or regulatory authority, this results in juveniles being transported late at night or very early in the morning to ensure compliance with current statutory language.

A review of statutes revealed several references to the term "temporary custody," which clearly contemplate a holding/detaining upon taking a juvenile into custody, but do not provide clear guidance/authority for "temporary custody" of a juvenile pending transport to a juvenile detention center. For instance, A.R.S. § 8-303 makes multiple references to the concept of "temporary custody," but does not define what "temporary custody" means or assign any time limit associated with the phrase. In addition, A.R.S. § 8-305 sets forth the only authorized places for "detaining" a child in the state of Arizona. However, there is no guidance for a stand-alone "intake office" or "non-secure holding," except as described in A.R.S. § 8-305(E), which allows for non-secure detention of a juvenile for up to six hours until arrangements are made for transportation to any shelter care facility, home, or other appropriate place. The juvenile must be detained separately,

with no sight or sound contact, with any adult charged or convicted of a crime. See Appendix G for additional detail contained in the above-referenced Arizona statutes.

While the noted statutes do not provide clear definitions for the term "temporary custody," the Task Force believes it is possible an amendment to the court rules and operation standards may be all that is needed to provide clear authority for transporting counties to securely hold a juvenile in "temporary custody" pending transport to an authorized juvenile detention center, with the health and safety of the juvenile and court staff in mind. Specifically, Rule 23, Rules of Procedure for the Juvenile Court, requires a report to the authorized juvenile court officer setting forth the reasons why a juvenile brought to a juvenile court detention facility should be detained. Except as implied in Rule 23(B)(4), (D)(1-5) and the very fact of detention, the only clear authorization for the intake/screening of juveniles is found in the juvenile detention standards.[11] If necessary, the area of intake and "temporary custody" outside of a detention facility can be further addressed by additional legislation.

Recommendation #2: The Arizona Judicial Council should recommend a statutory change and the supreme court should establish a court rule authorizing temporary custody, for up to 48 hours, for juveniles who are awaiting transport to a detention center in another county.

Transportation

In reviewing statutes and case law, the Task Force found no statute, rule, or case law interpretation expressly authorizing transportation of juveniles. Historically, with local detention centers located in each county, there was little or no need to address transportation authority, particularly out of county transportation. Currently, probation officers, surveillance officers and detention officers transport juveniles to and from court, medical appointments and to out of county detention locations in Arizona. The individual county departments establish policies and procedures governing these transports to ensure the safety and well-being of staff as well as the juveniles being transported. The Task Force emphasized the need for proper radio and cellular coverage and video monitored vehicles to help ensure safety.

While the juvenile related statutes do not provide guidance on transportation of juveniles, there are some cases regarding transportation of adults. One case in particular, involves transportation of adult prisoners, residing at DOC facilities, to local county court appearances. In Arpaio v. Steinle, 201 Ariz. 363 (2001), the court relied on A.R.S. § 31-225 to address an inmate transportation to court issue, and found the plain language of the statute resolved the issue. The statute states: "*when it is necessary that a person imprisoned by the department be brought before any court, or that a person imprisoned in a county jail be brought before a court in another county, an order may be made for that purpose by the court and executed by the sheriff of the county where the order is made*." This case illustrates the value of clear statutory authority regarding transportation matters.

However, absent a specific statute, an IGA and Arizona Juvenile Detention Standards could provide another means of addressing out-of-county transportation issues. Currently, the Arizona Detention Standards address transportation in Section III A 13, safety, security and control:

[11] The Arizona Detention Standards were adopted by Administrative Directive on December 19, 2016 and are effective January 1, 2018.

A 13.1 The director of juvenile court services shall establish and make available to all personnel policy and procedure for the safe and secure transportation of juveniles outside of the facility.

A 13.2 Documentation shall be maintained as to date, departure and arrival time, juvenile, detention personnel, and purpose of the transport outside the facility.

Additionally, given the increased length of transports due to regionalization, the Task Force identified the need for standardization of the following areas: safety standards, training, and transportation officer job descriptions.

Recommendation #3: The Arizona Supreme Court should expand the detention standards to include safety standards, training and designated transportation duties.

Legal Authorization for Repurposing

While A.R.S. § 8-209 was added in 2014 to provide authority for "repurposing" portions of existing detention centers, the Task Force believes the statute can be expanded to increase the repurposing options available to the juvenile court. Specifically, A.R.S. § 8-209 provides *"If appropriate facilities are available to the juvenile court, the presiding judge of the superior court may enter into an agreement for the use of those facilities by a provider of juvenile shelter or treatment services."* Repurposing options should be expanded to include both programming as authorized by the juvenile presiding judge and approved by the AOC and should be applicable to both operating, closed and repurposed detention centers. Building and zoning codes and other factors will need to be taken into consideration when repurposing detention centers.

Recommendation #4: The Arizona Judicial Council should support revisions to A.R.S. § 8-209 to authorize: 1) the presiding juvenile court judge to repurpose unused detention space and 2) juvenile court staff to provide services and programs within the repurposed detention space.

Principle #2: Partnership

Just as strong leadership is a key element of running an effective detention center, collaboration and partnership are also critical components for an effective juvenile justice system. The Task Force agreed counties should use an intergovernmental agreement (IGA) as the vehicle to regionalize with another county and it discussed two models for regionalization:

- Customer based model – This model, used in the recent IGA agreements described earlier, applies a per diem rate charged by the receiving county to the sending county for providing detention services. This model can be accomplished between two counties in a short period of time, enabling the county closing its facility to quickly address county fiscal needs. Although this method can be accomplished quickly it may not support the annual cost that a county will incur in running a facility.

- Shared cost and responsibility model - This model is based on the Oregon model and is a partnership established by an IGA that identifies oversight and shared responsibilities of the involved counties, and establishes a cost share formula to determine the funding amount needed to provide the detention services for the sending county. The fair share cost would consider the size of the county and projected utilization of detained youth and maintenance and capital improvements to the facility. Shared responsibilities outlined in an IGA include liabilities, funding, and a governance board to oversee operating policies such as PREA, reporting requirements, training, programming, education, medical services, transportation, budget, maintenance of and access to detention records, and repurposing options.

Regardless of the IGA model selected, the Task Force discussed critical elements to an IGA for regionalization. These elements included, but were not limited to: clearly defining mutually agreed to roles and responsibilities of each county and sustainability of agreement, per day charge, block purchase or hybrid payment system.

It should be noted that the Arizona Code of Judicial Administration (ACJA) 5-208, Operating Standard for Interactive Audiovisual proceedings in Criminal Cases, currently allows for video conferencing, with the consent of all parties, to be used for video court, attorney meetings, visitation and other meetings that cannot be conducted in person.

Recommendation #5: A local juvenile court and county should enter into an intergovernmental agreement for detention services if the county decides to close the county detention facility.

Principle #3: Appropriate Detention Population

The Task Force discussed the need to consistently use a validated detention screening instrument to ensure only those juveniles who are a threat to public safety or a flight risk are detained by juvenile court staff. As previously noted, multiple research studies have shown that detaining a juvenile offender can have negative effects and unintended consequences and can further alienate a disengaged juvenile from his or her community. As such, detention and incarceration options should only be used when necessary to ensure the juvenile will appear for court and preserve public safety. When possible, counties should offer programming that is used as an alternative to detention for the juvenile and family.

The Task Force identified three areas that are key to the theme: “Appropriate Population that Supports the Purpose of Detention”:

- Data driven decision making;
- Risk based detention decisions; and
- Utilizing a validated Detention Screening Instrument (DSI).

To sustain fidelity to the DSI, each county should train an identified lead staff to approve overrides/underrides to detention according to documented, uniform procedures for detention overrides. The referring county should complete the DSI tool to reduce inconsistent detention decisions, racial and ethnic disparities, while meticulously monitoring special detention cases.[12] In concert with the use of a validated tool, the Task Force found the data yielded from the use of a statewide tool will allow the AOC and local stakeholders to make sound and informed decisions about current and future programs, policies, practices, and/or existing facilities. The AOC and local stakeholders will continue to ensure that training is provided to users, law enforcement, judges, attorneys, and community stakeholders on the use of the DSI.

Recommendation #6: The detention standards should include language requiring designated juvenile court staff to use the AOC-approved Detention Screening Instrument (DSI).[13]

Principle #4: Best Interest of the Child and Family

Public safety and fostering positive youth outcomes that are fair and equitable are goals that should drive juvenile detention decisions. With the current budget issues facing the state, the focus on the costs of confinement has become a daily conversation. The National Juvenile Justice Network states focusing on cost alone drastically oversimplifies the issues faced when trying to rehabilitate youth (National Juvenile Justice Network, 2010).[14] The Task Force voiced similar concerns. It emphasized that while cost is certainly a major factor when faced with a decision of whether to close a facility, primary considerations should include:

- The safety and well-being of the juveniles in custody and the community;
- The best interest of the child and family;
- The rights of juveniles;
- The availability of services; and
- Continuity of programming.

In re Gault, children were given the same rights to legal counsel as adults. The right to legal counsel means more than having the attorney present at hearings. The child must have the ability to consult with their attorney confidentially and be able to assist in the preparation of their case. Family involvement in the juvenile case plan is essential and each detention center should embrace visitation and communication with family when feasible. The juvenile justice system is responsible to ensure this occurs wherever the juvenile is detained.

[12] Special Detention Cases are also known as mandatory detention cases, and regardless of the score, the juvenile must be detained as a matter of state or local policy. Arizona's DSI identifies the following as "Special Detention" cases: warrants (in county or probation violation), ADJC warrant, other jurisdiction holds or curtesy holds, violations of conditions of release, court ordered detained, probation violation: with supervisor approval.

[13] See Appendix B for the AOC approved DSI.

[14] http://www.njjn.org/uploads/digital-library/resource_1613.pdf

Principle #5: Coordinated Resources

With detention center regionalization and repurposing, it is important that all involved counties and stakeholders effectively coordinate their resources. For instance, counties receiving juveniles from another county may need to identify funding streams or redirect current funding allocations (e.g., education) to support the services provided to the incoming juveniles. Likewise, the sending county may be able to use savings realized through the closure of its facility to improve local community services offered to the juveniles and families they serve. In addition, sending counties will need to strengthen their relationship with AHCCCS and local Regional Behavioral Health Authority (RBHA) and treatment providers as well as the local school superintendent to support quality programming in detention.

By establishing and maintaining strong working relationships, not only will system stakeholders be more responsive to addressing detained juveniles' needs, the stakeholders will be better able to identify gaps in service or capacity issues. When local stakeholders are unable to fulfill identified service gaps or needs, the AOC can provide treatment dollars to support the hiring of therapists to provide treatment in those areas.

Principle #6: Enhanced Programming

Reinvestment into the community with enhanced programming and prevention services could provide additional alternatives to detention and prevent youth from further penetration into the juvenile justice system. All interventions for justice involved youth in Arizona are points in a continuum of care from least restrictive to most restrictive. The Task Force considered the following programs as essential for quality detention care: education, health care and mental health treatment services, food service, bi-lingual services, alternative programming and active discharge planning. Identifying what resources are available throughout the state and encouraging regular communication amongst counties to replicate effective interventions locally will assist our juvenile justice system's performance.

Principle #7: Use of Technology

For regional detention centers to serve as viable alternatives for Arizona's juvenile detention system, the Task Force noted the importance of maximizing the use of technologies that have reshaped the way the world communicates in the 21st century. It will be necessary for detention centers, transport teams, families, attorneys, probation officers and youth to be able to use a network of learning and communication tools to maximize security and safety, maintain ties between the youth and his community and provide opportunities for growth and learning. The use of online education will also be necessary to provide a variety of curricula: high school credits, GED preparation and life skills. Additionally, effective administration of regionalized detention centers dictates the need for robust data reports to help manage and plan for the centers' day to day operations.

Recommendation #7: The AOC should modify JOLTSaz to provide participating counties the ability to view and receive data reports on their juveniles in detention.

Principle #8: Funding

All counties have made significant investments, with state aid, over the past 20 years to improve detention facility conditions. A move toward regionalized centers requires some discussion about future funding to support the increased services the regionalized centers will provide and the ongoing needs in the remaining counties, where the departments will still have some detention-related responsibilities.

History

As previously noted, the individual counties are responsible for funding detention centers, and all have invested funding over the past 20 years to build new or rebuild existing facilities. County officials considered several factors prior to making such investments, including:

- Shortfall of juvenile detention capacity;
- Condition of existing facility;
- Operational efficiency of the existing facility;
- Ability of a county to fund operation of a detention program;
- Ability of a county to fund construction of a center; and
- Readiness of a county to develop a new/expanded facility.[15]

The new detention centers replaced existing structures that were "dilapidated and potentially unsafe" for housing juveniles. Whereas the old facilities were often repurposed buildings converted to a detention center, the current detention centers are structurally sound and are designed to support capacity and daily programming. All centers are in good condition and maintained by each county's facilities department. Generally, any additional funding is designated for housekeeping staff to clean and maintain the facility.

Funding Options for Regionalized Centers

With the steady decrease in the juvenile detention population, county leadership has had to re-examine the continuing need to fund the operational costs associated with a facility, which now serves a relatively small number of youth, and how it can meet detention service needs in the future.

When a county opts to close its detention facility, it must fulfill its detention responsibilities by partnering with another county. As previously noted, the Task Force discussed two methods of procuring detention services – customer based (per diem rate) model and a cost share model. In either method, the Task Force acknowledged the need for flexibility in the IGA to accommodate any necessary adjustments.

[15] Arizona Juvenile Detention Master Plan, November 14, 1997; Arizona Supreme Court, Administrative Office of the Courts, Juvenile Justice Services Division.

The Task Force also identified responsibilities, which would require ongoing funding, for the counties that do not have a center. These responsibilities would include a reception center to receive arrested juveniles. The reception process would include utilizing a detention screening instrument to determine whether the juvenile requires detention. Once the detention determination is made, detention staff would communicate with stakeholders and provide the necessary transportation for the detained juvenile. The county would also have to expand community services to reduce reliance on secure care. If necessary, the AOC treatment budget can help support these community services.

OPTIONS FOR REPURPOSING

In addition to discussing issues related to addressing detention needs for counties who have, or who are considering closing their detention facility, the Task Force discussed current uses and other possible options for repurposing unused detention center space. Arizona's juvenile courts have already begun to repurpose vacant space in facilities that are not planning to close as well as in counties that have already closed. Specifically, counties use the vacant portions of the detention centers for the following purposes:

Assessment Centers

The goal of assessment centers is to maximize the juveniles' success while in a non-secure alternative by developing a range of responses to minor disciplinary problems while also seeking support for the juvenile and/or family from within the community or from system partners. These non-secure alternatives provide a maximum of 23-hour daily supervision and structured activities for juveniles who would have otherwise been detained. The assessment centers allow the juvenile court to oversee the juvenile without the restrictions and trauma of secure care, while also allowing staff to begin assessing the juvenile for possible needs and identifying community resources.

In addition to the cost savings associated with avoiding secure detention, assessment centers provide many other benefits. For example, an assessment center provides juveniles a respite period away from family in time of crisis. These programs cost far less than secure detention, yet still protect the community, as the center provides 24 hour/7day a week supervision.

Currently, jurisdictions that operate assessment centers do not allow non-detained juveniles access to the restricted/detained area. In many circumstances, these jurisdictions manage juveniles within the assessment center who would not have been detained due to their DSI score, yet without the assessment center, detention would have been the only option.

Transition Schools

Yavapai County provides an example for repurposing existing space in its Juvenile Justice Center with a transition school while still operating as a fully functioning detention center. Yavapai Transition School is a cooperative effort between the Yavapai County Juvenile Justice Center and the Yavapai County Accommodation School District. The school is located in a non-secure section of the detention facility and is staffed by a certified educator and paraprofessional. The school

incorporates a blended learning model which uses both computer-based education and whole group lessons, thus offering youth an opportunity to make progress toward achieving a high school diploma when they may not have had the opportunity otherwise. Similar to the assessment centers, youth enter the school through a separate entrance and are not allowed access to the restricted/detained area.

Residential Treatment Centers

As discussed in the legal section of this report, A.R.S. § 8-209 provides authority for "repurposing" portions of existing detention centers, including using the facility for treatment services. As such, some jurisdictions currently offer treatment programming, including residential treatment, within a non-secured portion of the facility.

Teen Youth Center (prevention)

The Loft Legacy Teen Center in Apache County, which is available for all youth in the community, provides an example for repurposing an entire facility that has already closed its doors and is using the space in a way that will benefit the entire community.

After analyzing its juvenile detention data, Apache County Juvenile Court realized many juveniles were detained for domestic issues, not because they committed serious offenses. Specifically, the issue often involved some type of altercation at home where it was not safe for the juvenile to remain at home for the moment. Unfortunately, in the past, the detention center was the only option for placing the juvenile. Therefore, using inspiration from Yuma and Pinal Counties, Apache County renovated two detention rooms into "respite, safe-haven, stabilization" rooms, and has gone to great lengths to configure the rooms into nice bedrooms for juveniles in need. Juveniles who utilize these rooms are not detained. These rooms provide an additional option/tool to address the juvenile's needs (i.e. temporarily removing them from a volatile situation) without having to detain them. During the juvenile's stay in the "respite, safe-haven, stabilization" area, trained probation staff will assess the juvenile for needed services, and will follow-up with the juvenile and parents regarding those services after the volatility has passed. Apache County hopes the Teen Center's services will prevent future interaction with law enforcement and escalation of behavior.

Apache County also has a separate intake area for juveniles likely to be detained. This allows for a brief cooling off period for the juvenile while probation staff performs the detention screening assessment. If the assessment reveals detention is necessary, the probation staff will transport the juvenile to Pinal County using a vehicle equipped with GPS monitoring and audio and video recording. If the juvenile does not require detention and has calmed down and does not present a danger to themselves or others, probation staff will move the juvenile into the "respite, safe-haven, stabilization" area until staff can assess the juvenile for services and return the juvenile home.

See Appendix H for a description Apache County's Loft Legacy Teen Center.

Other Alternative to Detention Options

When looking at other options that achieve similar goals as secure detention, the Task Force gathered information on alternative programming and services. The JDAI State Advisory Committee's "Purpose of Detention Goal Statement" states "*The Committee believes that youth can be best served within their community and should only be detained if they present a risk to the community or a risk of failing to appear at the next court hearing*." JDAI also offers seven Guiding Principles to consider when offering alternative programming. The Task Force reviewed the list and agreed the Guiding Principles represent evidence based practice at its best and should be followed. While a summary document of the Guiding Principles is contained in Appendix I, the highlights are:

- Detention is a continuum of options ranging from secure custody to various types and levels of non-custodial supervision.
- Leadership of a jurisdiction needs to define and agree upon the purposes of secure detention.
- Alternatives should be planned, implemented, managed, and monitored using accurate data.
- The development of alternative programs is a process.
- Detention alternatives should be culturally competent, relevant, and accessible to the youth they serve.
- Detention alternatives should be designed and operated on the principle of using the least restrictive alternative possible.
- Alternatives should seek to maximize youth's success while in non-secure alternatives by developing a range of response to minor disciplinary problems.

When asked to provide a current list of their county's alternatives to detention programs, Arizona's Juvenile Court Directors identified the following programs:[16]

- House Arrest - The purpose of the house arrest program is to provide uniform and consistent supervision of juveniles in the least restrictive environment pending Adjudication, Disposition or other legal hearings and provide accurate, timely information to the court. In the house arrest program, a Surveillance Officer contacts the juvenile in the community to ensure that they are abiding by their conditions of release. Typically, the juvenile is not allowed to leave their home without court approval.
- Home Detention - The purpose of the home detention program is to provide uniform and consistent supervision of juveniles in the least restrictive environment pending Adjudication, Disposition or other legal hearings and provide accurate, timely information to the court. Juveniles on the home detention program typically have a 6 p.m. curfew or court ordered conditions, such as no victim contact, 24 hours parental supervision, and no contact with juveniles under 12 for those referred for sexual offenses.
- Detention Temp Out/Furlough Prosocial Skill Training - Detained youth who are identified as a high risk of being committed to the Arizona Department of Juvenile Corrections (ADJC) can be temporarily released from detention to practice their Prosocial Skills

[16] Not an all-inclusive list.

Development Plans under the direct supervision of court staff. A youth's progress regarding their individualized cognitive behavior checklist allows the court to discharge the youth from detention and avoid commitment to ADJC.

- Electronic Monitoring (EM) - The EM program is a non-secure alternative for juveniles pending disposition, as a progressive response/graduated sanction for the juvenile on court-ordered supervision, and as an alternative to secure detention. It should be utilized on those juveniles who need highly restrictive supervision. If an EM is used as a graduated response it requires supervisor approval and must be staffed with the supervisor every 14 days to determine if the EM is still necessary. It is recommended that participation does not exceed 60 days, however extensions may be recommended for up to 120 days if the juvenile continues to be non-compliant.
- Next Day Hearings - An expedited process for court appearance.
- Change Begins with Me - The Community Restitution CBWM program is designed to allow juveniles to participate in community service projects while increasing their knowledge of pro social life skills. In addition, the juveniles will work on relapse plans and the goals and objectives identified in the juvenile's case plan. The program will consist of a Family Support Specialist (FSS), one Detention Officer I (DOI), and one non-case-carrying Probation Officer II (POII), and a Supervisor. The program will work with all levels of probationers and diverted youth, though level of engagement will depend on the juveniles Arizona Youth Assessment System (AZYAS) scores.
- Evening Reporting - A program for pre-adjudicated and adjudicated delinquent juveniles. The goal is to provide structure during the juvenile's unstructured time to maintain appropriate behavior at home and in the community. Juvenile Court Services staff offer juveniles educational activities, recreational programming, life development work-shops, family engagement activities, Cognitive Behavior Therapeutic interventions, and homework study sessions.
- Halo House - This licensed shelter care facility in Flagstaff provides higher levels of structure and supervision than a youth's parents can provide, but in a non-secure environment. Youth can attend their regular school and attend prosocial skill development programs in the community rather than in detention. The Halo House serves as a resource which allows the court to release youth from detention early as well as to avoid detention altogether. Through placements to the Halo House, probation officers can work with the youth on prosocial skills and help the youth's parents/guardians incorporate effective parenting actions of the youth outside of detention.
- 24 Hour Adult Supervision – Allows the youth to leave home in the company and supervision of an approved adult.
- My Accountability Plans (MAPs) - Graduated sanctions where probation youth can take responsibility and act to rectify their offense/behavior, in lieu of an arrest, probation violation, and detainment.
- Arizona Youth Partnerships, Strengthening Families Program – A curriculum to engage families of juveniles in case planning and parenting skills to improve outcomes for juveniles.
- Making Things Right, Weekend Program - Judges can order or probation officers can require probation youth to attend this prosocial skill development program for six hours per day on Saturdays and Sundays in lieu of being detained.

- Diversion Program based on Kids at Hope – A diversion opportunity that utilizes the philosophy of Kids at Hope.
- ACES – Pima County Juvenile Court's ACES Center is a community resource, designed to enhance public safety and reduce the need for, and use of, secure detention by providing youth referrals to community support programs. Pima County developed the center with an overall goal of reducing recidivism and providing Pima County youth and families with assistance locating needed community resources, regardless of court status. Additionally, the ACES center serves as an alternative to secure detention, allowing a "cooling off" period for youth and families involved in a domestic violence incident. Other services provided in the center include immediate screenings for behavioral health, substance abuse, trauma and resiliency needs, community agency referrals, respite, case management and other services deemed necessary.

SHORT TERM VERSUS LONG TERM CUSTODY

Juvenile detention centers are designed to provide short term custody for the court to complete *due process* of a juvenile's case. Long term custody differs from short term custody in that a juvenile receives treatment for issues related to their delinquent behaviors. The Arizona Department of Juvenile Corrections (ADJC) is a long-term custody facility and services juveniles who present high risk to the community or who have not been successful under community supervision. Most of the juveniles in ADJC have needs for sex offender, mental health and/or substance abuse treatment. Some counties are already delivering programming in their detention centers designed to address criminogenic needs. The Task Force discussed the potential for regional detention centers to include long term custody. This would require an analysis of facilities, programming and state mandated fees to the counties to determine the gaps and costs to provide for these specialty populations.

CONCLUSION

Juvenile Justice in Arizona has changed to an evidenced based model, which has altered the way probation and detention services operate. Juvenile courts are now considering all interventions for justice involved youth as points on a continuum of care. There is an emphasis within the juvenile justice system to focus on prevention and family engagement. Collaboration with key stakeholders (behavioral health, law enforcement, education, community partners) is necessary for effective system change and is a key strategy for the Juvenile Detention Alternatives Initiative and the Cross Over Youth Practice Model. As changes in practice advance, statute, rule and code need to authorize best practices.

Research identifies adverse effects on youth in secure care, from trauma to separation from the community to which they will return. Most juveniles referred to the juvenile court are considered a low to medium risk to reoffend. Evidence based practices are demonstrating that jurisdictions can maintain public safety while keeping juveniles in their communities, which ultimately improves outcomes and lowers costs.

The recommendations set forth in this report will enable the continued advancement of the practice of probation and detention services in Arizona. The Task Force identified the need to align statute, rule and code to provide the necessary authority for change to occur.

The Task Force would like to thank the Chief Justice for providing an opportunity to make recommendations on regionalization of detention centers.

APPENDIX A

APPENDIX A

IN THE SUPREME COURT OF THE STATE OF ARIZONA

In the Matter of:	)	
	)	
ESTABLISHING THE TASK FORCE	)	Administrative Order
ON THE UTILIZATION OF JUVENILE	)	No. 2017 - 30
DETENTION CENTERS AND THE	)	
APPOINTMENT OF MEMBERS	)	
	)	

For the past decade, juvenile courts have made efforts to reduce the number of children detained. These efforts, in part, have resulted in unprecedented decreases in Arizona's juvenile detention population. As the number of juveniles detained decreased, the costs to counties responsible for funding detention facilities has remained substantially unchanged. This has caused the closing of one and the pending closure of a second county's detention center as county boards of supervisors address other budget demands.

While fewer juvenile detention beds are needed, juvenile courts in each county, nonetheless, continue to require detention beds that are safe, secure, and reasonably accessible to the parents and families of the children detained and juvenile court staff responsible for transportation and supervision.

A task force is needed to develop recommendations on how best to utilize current detention center space including establishing regional facilities, repurposing current detention space, and any other options that achieve the overall goals of providing safe, secure, and reasonably accessible detention facilities.

Therefore, pursuant to Article VI, Section 3, of the Arizona Constitution,

IT IS ORDERED that the Task Force on Utilization of Juvenile Detention Centers is established as follows:

1. **Purpose.** The Task Force shall review and, as appropriate, develop recommendations on:
    a. Current detention space utilization and costs;
    b. Viability of regional detention centers;
    c. Options for repurposing unused detention center space; and
    d. Any other options that achieve the goals of providing safe, secure, and reasonably accessible detention facilities for detained children.

2. **Membership.** The individuals listed in Appendix A are appointed as members of the Task Force beginning upon entry of this Order, and ending December 31, 2017. The Chief Justice may appoint additional members as may be necessary.

3. **Meetings.** Task Force meetings shall be scheduled at the discretion of the Chair. All meetings shall comply with the Arizona Code of Judicial Administration § 1-202: Public Meetings.

4. **Staff.** The Administrative Office of the Courts shall provide staff for the Task Force and shall assist the Task Force in developing recommendations and preparing any necessary reports and petitions.

5. **Reports.** A report and recommendations shall be submitted to the Arizona Judicial Council for its review and approval by September 30, 2017.

Dated this 15th day of March, 2017.

_____

SCOTT BALES
Chief Justice

Attachment: Appendix A

APPENDIX A

Task Force on Detention Center Regionalization and Repurposing

Membership

Joe Kelroy, Chair
Director, Juvenile Justice Services Division
Administrative Office of the Courts

Terry Cooper
County Manager
Graham County

Ed Gilligan
County Manager
Cochise County

Josh Halversen
Chief Probation Officer
Graham County

Jolene Hefner
Deputy Director
Yuma County

David Redpath
Operations Manager
Juvenile Justice Services Division
Administrative Office of the Courts

Kevin Kluge
Director, Administrative Services / CFO
Administrative Office of the Courts

Hon. Michael Latham
Presiding Superior Court Judge
Apache County

Steve Lessard
Chief Probation Officer
Gila County

Scott Mabery
Juvenile Court Director
Yavapai County

Bryon Matsuda
Juvenile Court Director
Coconino County

Hon. Colleen McNally
Presiding Juvenile Court Judge
Maricopa County

Eric Meaux
Juvenile Court Director
Maricopa County

Christine Phillis
Arizona Public Defender's
Association

John Schow
Juvenile Court Director
Pima County

Denise Smith
Juvenile Court Director
Pinal County

Craig Sullivan
Executive Director

Todd Zweig
Court Administrator

APPENDIX A

County Board of Supervisors Association

Tim Hardy
Juvenile Court Director
Yuma County

Elizabeth Bearinghaus
Division Chief/Juvenile Crimes Division
Maricopa County Attorney's Office

Pinal County

Jennifer Torchia
Detention Administrator
Pima County

Jennifer Torchia
Detention Administrator
Pima County

AOC STAFF

Teasie Colla
Program Manager
Juvenile Justice Services Division

Kathryn Gillmore
Administrative Assistant
Juvenile Justice Services Division

Nina Preston
Legal Counsel
Legal Services

Jennifer Ortiz
Program Specialist
Juvenile Justice Services Division

APPENDIX B

Arizona Detention Screening Instrument

Name:				**DOB:**	**SWID#:**	
Date:		**Time:**		**Phone Screening:**		**Sex:**
School		**Last Attend Date:**			**Grade:**	
Most Severe Offense:		**DV**	**Ref Agency:**		**Ref/Cit #**	

Section A: Most Severe Current Offense (Choose only one from the section A)

Mandatory 12 Point Offense : (Mitigating Factors Cannot Apply)	**Required Points**		**Points**
First or Second Degree Murder 13-1105, -1104 class 1	**12**		
Attempted Murder 13-1001 class 2	**12**		
Minor in Possession of Firearms 13-3111 class 6	**12**		
Negligent Homicide 13-1102 class 4	**12**		
Manslaughter 13-1103 class 2	**12**		
Sexual Assault 13-1406 Class 2	**12**		
Sexual Abuse 13-1404 (Victim Under 15) class 3	**12**		
Molestation of a child 13-1410 class 2	**12**		
Armed Robbery 13-1904 class 2	**12**		
Arson of an Occupied Structure 13-1704 class 2	**12**		
Aggravated Assault 13-1204 class 2 or 3	**12**		
Aggravated Robbery 13-1903 class 3	**12**		
Kidnapping 13-1304 class 2	**12**		
Drive-By Shooting 13-1209 class 2	**12**		
First Degree Burglary 13-1508 class 2	**12**		
Mandatory 12 Point Offense: (Mitigating Factors Apply)			
First Degree Burglary 13-1508 class 3	**12**		
Escape from a secure care facility (escapes in the second degree) 13-2503 class 5	**12**		
Mandatory 8 Point Offenses:			
Aggravated Assault 13-1204 class 4, 5 or 6	**8**		
Driving Under the Influence 28-1381 class 1 misdemeanor	**8**		
Deadly Weapon on School Grounds 13-3102 (12) class 1 misdemeanor	**8**		
Carrying a concealed weapon (other than a firearm) 13-3102	**8**		
Sexual Abuse 13-1404 class 5	**8**		
All Other Offenses:			
Felony Class 2 or 3	**6**		
Felony Class 4, 5 or 6	**3**		
Misdemeanor or Violation of Probation/Condition of Release	**1**		
		Total Offense Points	

Section B: Prior Offense History

Pending Felony Petition (not related to current offense)	**3**		
Prior history of warrant (within the last 6 months)	**2**		
Pending Misdemeanor or Violation of Probation Petition (not related to current offense)	**1**		

None	0		
		Total Referral Points (max 3 points)	

Section C: Legal Status/Court History

Active Parole/JIPS	3		
Active Standard Probation	2		
Felony Adjudication in last 18 months (not currently on probation)	1		
None	0		
		Total History Points (max 3 points)	

Section D: Aggravating Factors (choose a maximum of 3 from this section)

Juvenile Does Not Attend School/Work	1		
Currently Under the Influence of Alcohol or Drugs	1		
Multiple Felony Charges this Referral (unrelated event)	1		
History of Fire Setting or Animal Cruelty	1		
		Total Aggravating Points (max 3 points)	

Section E: Mitigating Factors (choose a maximum of 3 from this section)

Juvenile Attends School/Work	1		
Engaged in Pro-Social Activities	1		
Family Member or Responsible Adult Able to Assume Responsibility for Juvenile	1		
No Failure to Appear Warrant History (within the previous 12 months)	1		
		Total Mitigating Points (max 3 points)	

Total Score (A+B+C+D-E)	

Indicate Decision

0-6		**Release**
7-11		**Release to Non-Secure Options**
12+		**Detain**

Special Detention Cases

Check applicable

In County Warrant: **(check the type of warrant)**

		Failure to Appear		Probation Violation

ADJC Warrant:

Other Jurisdiction Warrants(s) or Courtesy Hold **(check one below)**

		Federal Hold		Tribal Hold
		Jurisdiction:		Contract Hold

Violation of Condition of Release (Pre-Adjudicated)

Court Ordered Detained

Probation Violation: With supervisor approval

Detention Overrides

The Juvenile is detained because:

The Juvenile is released because:

If not detained, indicate released to:	
Approved by Supervisor (Name Required):	
Completed by (Print Name):	
Completed by (Signature):	Date:

APPENDIX C

Justice Policy
INSTITUTE

A Justice Policy Institute Report
By Barry Holman and Jason Ziedenberg

The Dangers of Detention:

The Impact of Incarcerating Youth in Detention and Other Secure Facilities

The Dangers of Detention:

The Impact of Incarcerating Youth in Detention and Other Secure Facilities

A Justice Policy Institute Report
by Barry Holman and Jason Ziedenberg

The Dangers of Detention[1]

Introduction: The Growing Impact of Youth Detention

Despite the lowest youth crime rates in 20 years, hundreds of thousands of young people are locked away every year in the nation's 591 secure detention centers. Detention centers are intended to temporarily house youth who pose a high risk of re-offending before their trial, or who are deemed likely to not appear for their trial. But the nation's use of detention is steadily rising, and facilities are packed with young people who do not meet those high-risk criteria—about 70 percent are detained for nonviolent offenses.[2]

"Detention: A form of locked custody of youth pre-trial who are arrested—juvenile detention centers are the juvenile justice system's version of "jail," in which most young people are being held before the court has judged them delinquent. Some youth in detention are there because they fail the conditions of their probation or parole, or they may be waiting in detention before their final disposition (i.e. sentence to a community program, or juvenile correctional facility)."[3]

"[F]airly viewed, pretrial detention of a juvenile gives rise to injuries comparable to those associated with the imprisonment of an adult."

–Justice Marshall for the minority in Schall v. Martin, 1984.

The increased and unnecessary use of secure detention exposes troubled young people to an environment that more closely resembles adult prisons and jails than the kinds of community and family-based interventions proven to be most effective. Detention centers, said a former Deputy Mayor of New York of that city's infamous Spofford facility, are "indistinguishable from a prison."[4] Commenting on New York's detention centers, one Supreme Court Justice said that, "fairly viewed, pretrial detention of a juvenile gives rise to injuries comparable to those associated with the imprisonment of an adult."[5]

Detained youth, who are frequently pre-adjudication and awaiting their court date, or sometimes waiting for their placement in another facility or community-based program, can spend anywhere from a few days to a few months in locked custody. At best, detained youth are physically and emotionally separated from the families and communities who are the most invested in their recovery and success. Often, detained youth are housed in overcrowded, understaffed facilities—an environment that conspires to breed neglect and violence.

A recent literature review[i] of youth corrections shows that detention has a profoundly negative impact on young people's mental and physical well-being, their education, and their employment. One psychologist found that for one-third of incarcerated youth diagnosed with depression, the onset of the depression occurred after they began their incarceration,[6] and another suggests that poor mental health, and the conditions of confinement together conspire to make it more likely that incarcerated teens will engage in suicide and self-harm.[7] Economists have shown that the process of incarcerating youth will reduce their future earnings and their ability to remain in the workforce, and could change formerly detained youth into less stable employees. Educational researchers have found that upwards of 40 percent of incarcerated youth have a learning disability, and they will face significant challenges returning to school after they leave detention. Most importantly, for a variety of reasons to be explored, there is credible and significant research that suggests that the experience of detention may make it more likely that

youth will continue to engage in delinquent behavior, and that the detention experience may increase the odds that youth will recidivate, further compromising public safety.

Each year it is estimated that approximately 500,000 youth are brought to juvenile detention centers. On any given day more than 26,000 youth are detained.[8]

Detention centers do serve a role by temporarily supervising the most at-risk youth. However, with 70 percent being held for nonviolent offenses, it is not clear whether the mass detention of youth is necessary—or being borne equally. While youth of color represent about a third of the youth population, the latest figures show that they represent 61 percent of detained youth.[9] Youth of color are disproportionately detained at higher rates than whites, even when they engage in delinquent behavior at similar rates as white youth.

This policy brief looks at the consequences of detention on young people, their families, and communities. This policy brief shows that, given the new findings that detaining youth may not make communities safer, the costs of needlessly detaining young people who do not need to be there are simply too high. Policymakers, instead, should look to detention reform as a means to reduce the number of young people needlessly detained, and reinvest the savings in juvenile interventions proven to reduce recidivism and crime, and that can help build healthy and safe communities.

[1]This policy brief brings together the best existing literature on the efficacy and impact of detention, and also examines the reported outcomes of incarcerating juveniles in secure, congregate detention facilities in order to provide practitioners and policymakers with a deeper understanding of "the dangers" of overusing detention. Some of the findings reported here are the result of research conducted on youth and young adults in facilities or programs outside of juvenile detention facilities. The implications and conclusion drawn from research outside of detention centers proper is worthy of consideration: detention is usually the first form of congregate institutional confinement that youth falling under the authority of juvenile justice agencies will experience, and like residential or adult correctional or pretrial institutions, it is reasonable to infer that the impact of other kinds of incarceration and secure, congregate facilities do apply to the detention experiences. Every attempt has been made to accurately portray the population that the cited authors were studying, and the environment in which the study was conducted—generally, we referred to "detention" when the youth were detained, and "incarceration" when they were somewhere else.

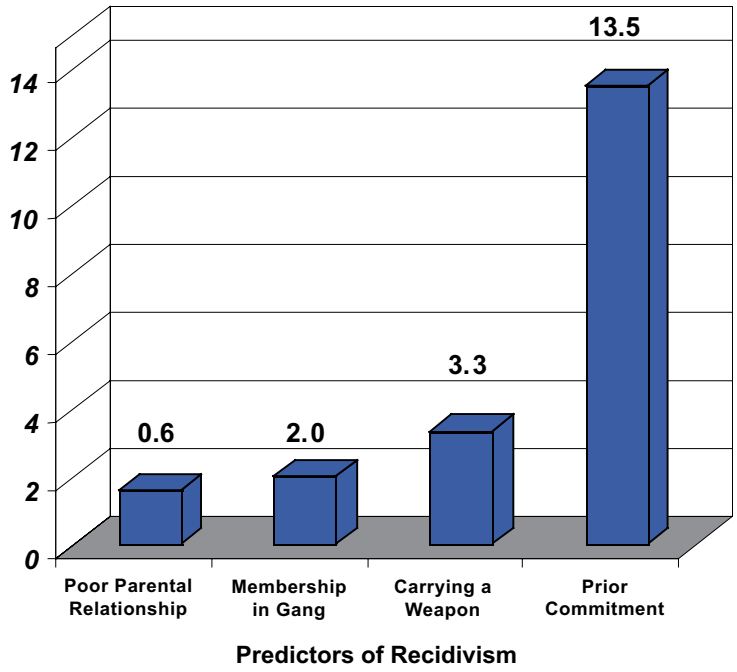
The Impact of Detention on Crime, Rehabilitation, and Public Safety

Detention can increase recidivism

Instead of reducing crime, the act of incarcerating high numbers of youth may in fact facilitate increased crime by aggravating the recidivism of youth who are detained.

A recent evaluation of secure detention in Wisconsin, conducted by the state's Joint Legislative Audit Committee reported that, in the four counties studied, 70 percent of youth held in secure detention were arrested or returned to secure detention within one year of release.[10] The researchers found that *"placement in secure detention may deter a small proportion of juveniles from future criminal activity, although they do not deter most juveniles."*

Prior Incarceration was a Greater Predictor of Recidivism than Carrying a Weapon, Gang Membership, or Poor Parental Relationship



Source: Benda, B.B. and Tollet, C.L. (1999), "A Study of Recidivism of Serious and Persistent Offenders Among Adolescents." Journal of Criminal Justice, Vol. 27, No. 2 111-126.

Studies on Arkansas' incarcerated youth[11] found not only a high recidivism rate for incarcerated young people, but that the experience of incarceration is the most significant factor in increasing the odds of recidivism. Sixty percent of the youth studied were returned to the Department of Youth Services (DYS) within three years. The most significant predictor of recidivism was prior commitment; the odds of returning to DYS increased 13.5 times for youth with a prior commitment. Among the youth incarcerated in Arkansas, two-thirds were confined for nonviolent offenses. Similarly, the crimes that landed the serious offenders under the supervision of adult corrections were overwhelmingly nonviolent—less than 20 percent were crimes against persons.

Congregating delinquent youth together negatively affects their behavior and increases their chance of re-offending

Behavioral scientists are finding that bringing youth together for treatment or services may make it more likely that they will become engaged in delinquent behavior. Nowhere are deviant youth brought together in greater numbers and density than in detention centers, training schools, and other confined congregate "care" institutions.

Researchers at the Oregon Social Learning Center found that congregating youth together for treatment in a group setting causes them to have a higher recidivism rate and poorer outcomes than youth who are not grouped together for treatment. The researchers call this process "peer deviancy training," and reported statistically significant higher levels of substance abuse, school difficulties, delinquency, violence, and adjustment difficulties in adulthood for those youth treated in a peer group setting. The researchers found that "unintended consequences of grouping children at-risk for externalizing disorders may include negative changes in attitudes toward antisocial behavior, affiliation with antisocial peers, and identification with deviancy."[12]

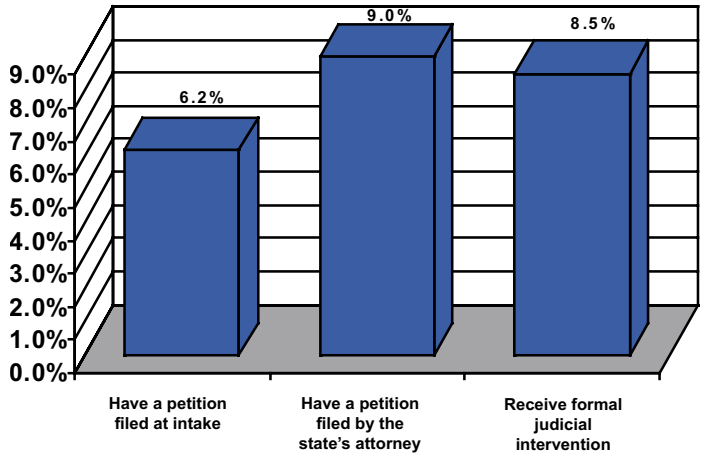
Detention pulls youth deeper into the juvenile and criminal justice system

"Locking up kids is the easiest way. But once they get in the juvenile justice system, it's very hard to get them out."

—San Jose Police Chief Bill Landsdowne[13]

Similar to the comment by the San Jose police chief, studies have shown that once young people are detained, even when controlling for their prior offenses, they are more likely than non-detained youth to end up going "deeper" into the system; these studies show that detained youth are more likely to be referred to court, see their case progress through the system to adjudication and disposition, have a formal disposition filed against them, and receive a more serious disposition.

Detained Youth Are More Likely to:



Source: Frazier, C.E. and Cochran, J.K. (1986) Detention of Juveniles: Its Effects on Subsequent Juvenile Court Processing and Decisions. Youth and Society, Vol. 17, No. 3, March 1986, p. 286-305 (N=9,317; p=.05)

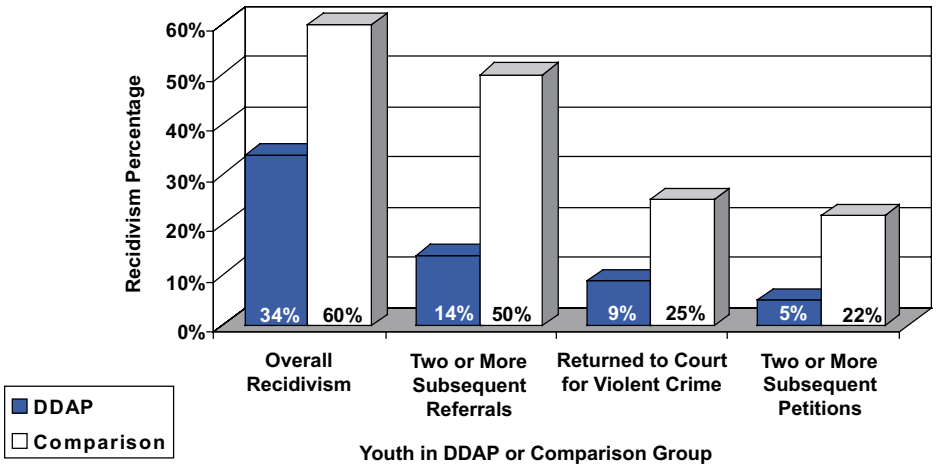
A study done in Florida in the late 1980s found that, when controlling for other key variables such as age, race, gender, and offense severity, detained youth faced a greater probability of having a petition filed at intake (6.2 percent), a greater probability for having a petition filed by the State Attorney (9 percent), and a greater probability of receiving formal judicial interventions (8.5 percent) than youth not detained. Another study in Florida by the Office of State Court Administrators found that when controlling for other factors—including severity of offense—youth who are detained are *three times more* likely to end up being committed to a juvenile facility than similar youth who are not detained.[14]

Alternatives to detention can curb crime and recidivism better than detention

Several studies have shown that youth who are incarcerated are more likely to recidivate than youth who are supervised in a community-based setting, or not detained at all. Young people in San Francisco's Detention Diversion Advocacy Program, for example, have about *half the recidivism rate* of young people who remained in detention or in the juvenile justice system.[15]

Research from Florida shows that when controlling for other factors, youth who are detained are three times more likely to end up being committed to a juvenile facility than similar youth who are not detained.

Various Measures of Recidivism between Detention and Diversion



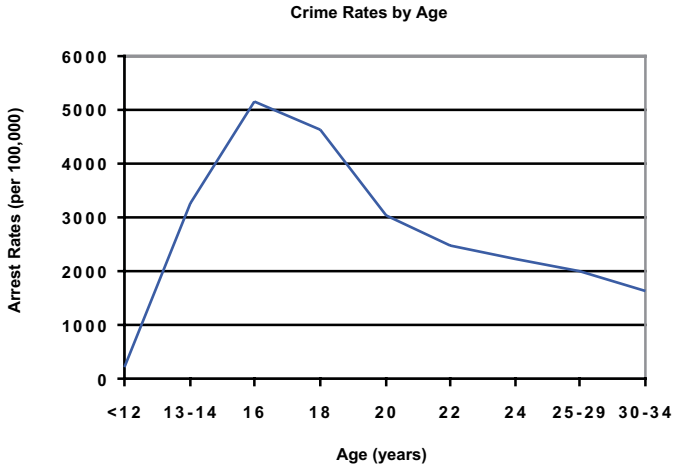
Source: Sheldon, R.G. (1999), "Detention Diversion Advocacy: An Evaluation." Juvenile Justice Bulletin Washington, DC: Department of Justice, Office of Juvenile Justice and Delinquency Prevention (DDAP n=271; Comparison n=271)

Research from Texas suggests that young people in community-based placements are 14 percent less likely to commit future crimes than youth that have been incarcerated.[16]

Detention can slow or interrupt the natural process of "aging out of delinquency"

Many young people in fact engage in "delinquent" behavior, but despite high incarceration rates, not all youth are detained for delinquency. Dr. Delbert Elliott, former President of the American Society of Criminology and head of the Center for the Study of the Prevention of Violence has shown that as many as a third of young people will engage in delinquent behavior[17] before they grow up but will naturally "age out" of the delinquent behavior of their younger years. While this rate of delinquency among young males may seem high, the rate at which they end their criminal behavior, (called the "desistance rate") is equally high.[18] Most youth will desist from delinquency on their own. For those who have more trouble, Elliott has shown that establishing a relationship with a significant other (a partner or mentor) as well as employment correlates with youthful offenders of all races "aging out" of delinquent behavior as they reach young adulthood.

Most Young People Age Out of Crime on Their Own



Source: FBI Crime in the United States (1993).

There is little observed relationship between the increased use of detention, and crime.

Whether a youth is detained or not for minor delinquency has lasting ramifications for that youth's future behavior and opportunities. Carnegie Mellon researchers have shown that incarcerating juveniles may actually interrupt and delay the normal pattern of "aging out" since detention disrupts their natural engagement with families, school, and work.[19]

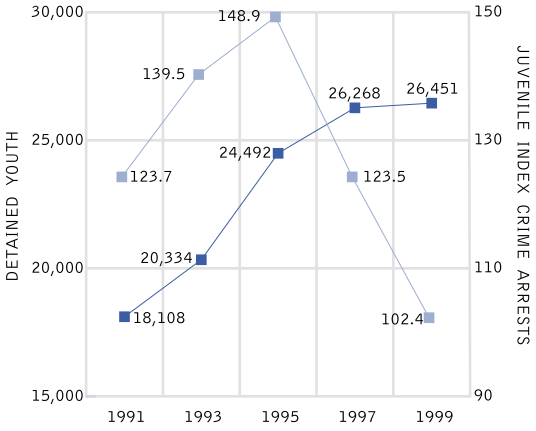
There is little relationship between detention and overall crime in the community

While there may be an individual need to incarcerate some high-risk youth, the mass detention of a half-million youth each year is not necessarily reducing crime.

During the first part of the 1990s, as juvenile arrests rose, the use of detention rose far faster (See table, "Different Directions"). By the middle of the 1990s, as juvenile arrests began to plummet (and the number of youth aged 10-17 leveled off), the use of detention continued to rise. *In other words, while there may be some youth who need to be detained to protect themselves, or the public, there is little observed relationship between the increased use of detention, and crime.*

Different Directions: Detention Populations vs. Arrest Rates for U.S. Juveniles in the 1990s

DIFFERENT DIRECTIONS: Detention Populations vs. Arrest Rates for U.S. Juveniles in the 1990's



Sources: Detention data adapted from Sickmund, M. (forthcoming). *Juveniles in Corrections.* Washington, D.C.: Office of Juvenile Justice and Delinquency Prevention; arrest data from FBI Uniform Crime Reports.

- U.S. Juveniles Confined in Public and Private Detention C
- Juvenile Index Crime Arrests in the U.S. (in thousands)

Researchers believe that the combination of mental health disorders youth bring into detention coupled with the negative effects of institutionalization places incarcerated youth at a higher risk of suicide than other youth.[21]

To the contrary, several communities ranging from the Western United States (Santa Cruz, California and Portland, Oregon) to one of the nation's biggest urban centers (Chicago, Illinois) have found ways to both reduce detention and reduce crime, better serving the interests of youth development and public safety. Between 1996 and 2002, violent juvenile arrests in the country fell by 37 percent; Santa Cruz matched that decline (38 percent), and Portland and Chicago exceeded it (45 percent and 54 percent, respectively).[20] And during roughly the same time, juvenile detention populations fell between 27 and 65 percent in those jurisdictions.

The Impact of Detention on Young People's Mental Health, and Propensity to Self-Harm.

Of all the various health needs that detention administrators identify among the youth they see, unmet mental and behavioral health needs rise to the top. While researchers estimate that upwards of two-thirds of young people in detention centers could meet the criteria for having a mental disorder, a little more than a third need ongoing clinical care—a figure twice the rate of the general adolescent population.[22]

Why is the prevalence of mental illness among detained youth so high? First, detention has become a new "dumping ground" for young people with mental health issues. One Harvard academic theorizes that the trauma associated with the rising violence in the late 1980s and early 1990s in some urban centers had a deep and sustained impact on young people. At the same time, new laws were enacted that reduced judicial discretion to decide if youth would be detained, decreasing the system's ability to screen out and divert youth with disorders. All the while, public community youth mental health systems deteriorated during this decade, leaving detention as the "dumping ground" for mentally ill youth.

Detention makes mentally ill youth worse

A Washington state detention administrator interviewed by the U.S. House of Representatives said, "We are receiving juveniles that five years ago would have been in an inpatient mental health facility. . . . [W]e have had a number of juveniles who should no more be in our institution than I should be able to fly."

Another reason for the rise in the prevalence of mental illness in detention is that the kind of environment generated in the nation's detention centers, and the conditions of that confinement, conspire to create an unhealthy environment. Researchers have found that at least a third of detention centers are overcrowded,[23] breeding an environment of violence and chaos for young people. Far from receiving effective treatment, young people with behavioral health problems simply get worse in detention, not better. Research published in Psychiatry Resources showed that for one-third of incarcerated youth diagnosed with depression, the onset of the depression occurred after they began their incarceration.[24] *"The transition into incarceration itself,"* wrote one researcher in the medical journal, *Pediatrics, "may be responsible for some of the observed [increased mental illness in detention] effect."*[25]

An analysis published in the *Journal of Juvenile Justice and Detention Services* suggests that poor mental health and the conditions of detention conspire together to generate higher rates of depression and suicide idealization:[26] 24 percent of detained Oregon youth were found to have had suicidal ideations over a seven-day period, with 34 percent of the youth suffering from *"a current significant clinical level of depression."*

An indicator of the shift was spelled out by a 2004 Special Investigations Division Report of the U.S. House of Representatives, which found that two-thirds of juvenile detention facilities were holding youth who were waiting for community mental health treatment, and that on any given night, *7 percent of all the youth held in detention were waiting for community mental health services.* As one detention administrator told Congress, *"we are receiving juveniles that 5 years ago would have been in an inpatient mental health facility. . . [W]e have had a number of juveniles who should no more be in our institution than I should be able to fly."*[27]

Detention puts youth at greater risk of self-harm

While some researchers have found that the rate of suicide in juvenile institutions is about the same as the community at large,[28] others have found that incarcerated youth experience from *double to four times* the suicide rate of youth in community.[29] The Office of Juvenile Justice and Delinquency Prevention reports that 11,000 youth engage in more than 17,000 acts of suicidal behavior in the juvenile justice system annually.[30] Another monograph published by OJJDP found that juvenile correctional facilities often incorporate responses to suicidal threats and behavior in ways that endanger the youth further, such as placing the youth in isolation.[31]

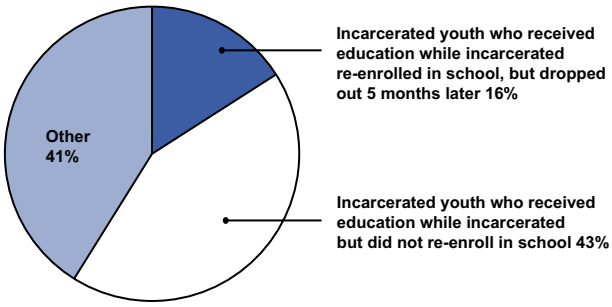
The Impact of Detention on the Education of Detained Youth

Detained youth with special needs fail to return to school

Juvenile detention interrupts young people's education, and once incarcerated, some youth have a hard time returning to school. A Department of Education study showed that 43 percent of incarcerated youth receiving remedial education services in detention did not return to school after release, and another 16 percent enrolled in school but dropped out after only five months.[32] Another researcher found that most incarcerated 9th graders return to school after incarceration but within a year of re-enrolling two-thirds to three-fourths withdraw or drop out of school: After four years, less than 15 percent of these incarcerated 9th graders had completed their secondary education.[33]

In one study, 43 percent of incarcerated youth receiving remedial education services did not return to school after release. Another 16 percent enrolled in school but dropped out after only 5 months.

Detention May Affect Youth's Ability to Re-enroll in School



Source: LeBlanc, (1991), "Unlocking Learning" in Correctional Facilities. Washington, D.C. Department of Education.

Young people who leave detention and who do not reattach to schools face collateral risks: High school dropouts face higher unemployment, poorer health (and a shorter life), and earn substantially less than youth who do successfully return and complete school.[34] The failure of detained youth to return to school also affects public safety. The U.S. Department of Education reports that dropouts are 3.5 times more likely than high school graduates to be arrested.[35] The National Longitudinal Transition Study reveals that approximately 20 percent of all adolescents with disabilities had been arrested after being out of school for two years.[36]

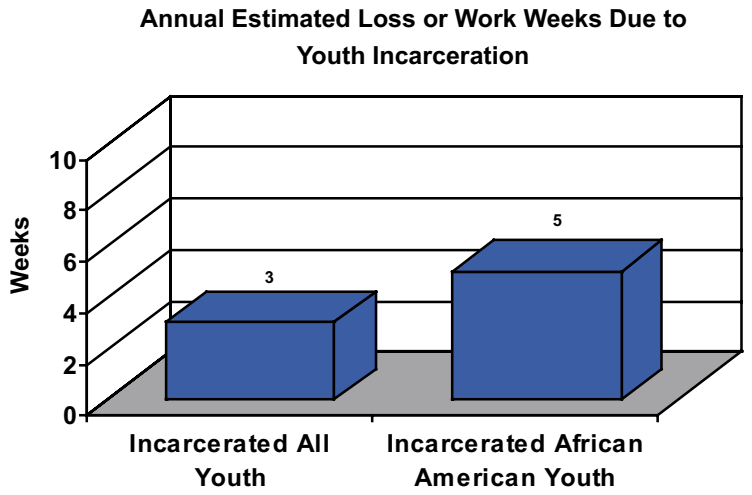
The Impact of Detention on Employment

Formerly detained youth have reduced success in the labor market

If detention disrupts educational attainment, it logically follows that detention will also impact the employment opportunities for youth as they spiral down a different direction from their

non-detained peers. A growing number of studies show that incarcerating young people has significant immediate and long-term negative employment and economic outcomes.

A study done by academics with the *National Bureau of Economic Research* found that jailing youth (age 16-25) reduced work time over the next decade by 25-30 percent.[37] Looking at youth age 14 to 24, Princeton University researchers found that youth who spent some time incarcerated in a youth facility experienced three weeks less work a year (for African-American youth, five weeks less work a year) as compared to youth who had no history of incarceration.[38]



Source: Western, Bruce and Beckett, Katherine (1999), "How Unregulated Is the U.S. Labor Market?: The Penal System as a Labor Market Institution," The American Journal of Sociology, 104: 1030-1060.

"Having been in jail is the single most important deterrent to employment...the effect of incarceration on employment years later [is] substantial and significant," according to the National Bureau of Economic Research.

Due to the disruptions in their education, and the natural life processes that allow young people to "age-out" of crime, one researcher posits, *"the process of incarceration could actually change an individual into a less stable employee."*[39]

A monograph published by the *National Bureau of Economic Research* has shown that incarcerating large numbers of young people seems to have a negative effect on the economic well-being of their communities. Places that rely most heavily on incarceration reduce the employment opportunities in their communities compared to places that deal with crime by means other than incarceration. *"Areas with the most rapidly rising rates of incarceration are areas in which youths, particularly African-American youths, have had the worst earnings and employment experience."*[40]

The loss of potentially stable employees and workers—and of course, county, state, and federal taxpayers—is one of numerous invisible costs that the overuse of detention imposes on the country and on individual communities.

The Larger Economic Impact of Detention on Communities

Detention is expensive— more expensive than alternatives to detention

The fiscal costs of incarcerating youth are a cause for concern in these budget-strained times. According to Earl Dunlap, head of the National Juvenile Detention Association, the annual average cost per year of a detention bed—depending on geography and cost of living—could range from $32,000 ($87 per day) to as high as $65,000 a year ($178 per day), with some big cities paying far more. Dunlap says that the cost of building, financing, and operating a single detention bed costs the public between $1.25 and $1.5 million over a twenty-year period of time.[41]

"It is quite reasonable to suggest that a single detention bed costs the public between $1.25 and $1.5 million over a twenty-year period of time."

—Earl Dunlap, CEO, National Juvenile Detention Association

By contrast, a number of communities that have invested in alternatives to detention have documented the fiscal savings they achieve on a daily basis, in contrast to what they would spend per day on detaining a youth. In New York City (2001), one day in detention ($385) costs 15 times what it does to send a youth to a detention alternative ($25).[42] In Tarrant County, Texas (2004), it costs a community 3.5 times as much to detain a youth per day ($121) versus a detention alternative ($35), and even less for electronic monitoring ($3.75).[43]

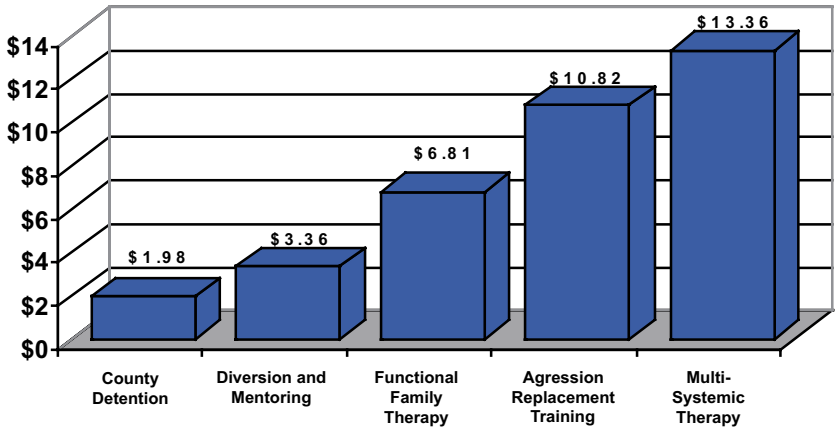
Detention is not cost effective

Whether compared to alternatives in the here and now, or put to rigorous economic efficiency models that account for the long-term costs of crime and incarceration overtime, juvenile detention is not a cost-effective way of promoting public safety, or meeting detained young people's needs.

The Washington State Institute for Public Policy (WSIPP), a non-partisan research institution that—at legislative direction—studies issues of importance to Washington State, was directed to study the cost effectiveness of the state's juvenile justice system. WSIPP found that there had been a 43 percent increase in juvenile justice spending during the 1990s, and that the main factor driving those expenditures was the confinement of juvenile offenders. While this increase in spending and juvenile incarceration was associated with a decrease in juvenile crime, WSIPP found, *"the effect of detention on lower crime rates has decreased in recent years as the system expanded. The lesson: confinement works, but it is an expensive way to lower crime rates."*[44] The legislature directed them to take the next step, and answer the question, *"Are there less expensive ways to reduce juvenile crime?"*

WSIPP found that, for every dollar spent on county juvenile detention systems, $1.98 of "benefits" in terms of reduced crime and costs of crime to taxpayers was achieved. By sharp contrast, diversion and mentoring programs produced $3.36 of benefits for every dollar spent, aggression replacement training produced $10 of benefits for every dollar spent, and multi-systemic therapy produced $13 of benefits for every dollar spent. Any inefficiencies in a juvenile justice system that concentrates juvenile justice spending on detention or confinement drains available funds away from interventions that may be more effective at reducing recidivism and promoting public safety.

Cost Effectiveness of Interventions per Dollar Spent



Source: Aos, S. (2002), The Juvenile Justice System in Washington State: Recommendations to Improve Cost-Effectiveness. Olympia, Washington: Washington State Institute for Public Policy.

Given the finding by the Journal of Qualitative Criminology that the cost of a youth offender's crimes and incarceration over their lifetime (including adult) can cost as much as $1.7 million,[45] a front-end investment in interventions proven to help young people would seem to be more effective public safety spending.

The rise of youth detention: policy or politics?

"The effect of detention on lower crime rates has decreased in recent years as the system expanded... it is an expensive way to lower crime rates."

—Washington State Institute for Public Policy

With falling youth crime rates, and a growing body of research that shows that alternatives are less expensive and more effective than detention, why do we continue to spend valuable resources building more locked facilities to detain low-risk youth?

Similar to the fate of the adult criminal justice system, the traditional mission of the juvenile justice system has been altered by the politicization of crime policy in this country.

At the turn of the century, when reformers developed the nation's first juvenile court in Chicago, Illinois, they set up a separate system for youth to meet the needs of adolescents, acknowledging that youth have different levels of culpability and capacity than adults. They also believed that youth deserved a second chance at rehabilitation. Within 30 years, every state in the nation had a juvenile court system based on the premise that young people were developmentally different than adults.

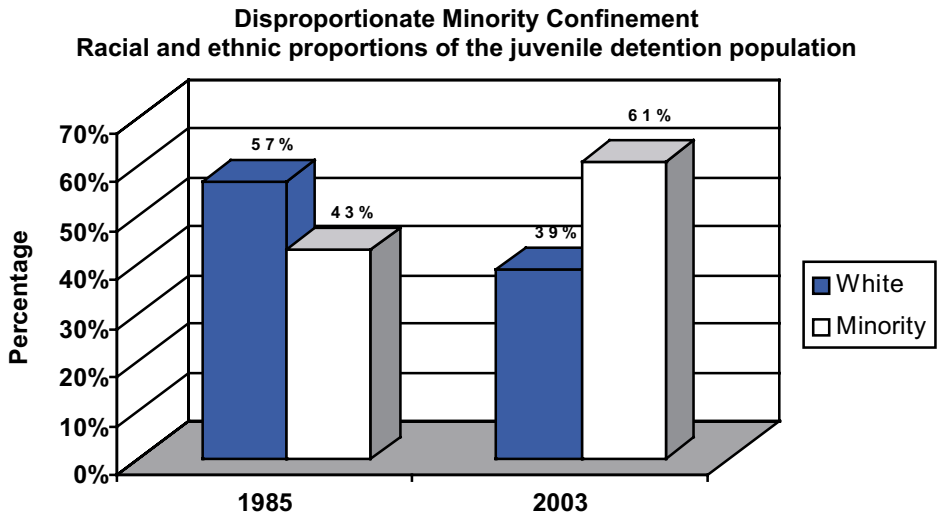
But the "tough-on-crime" concerns of the 1990s changed the priorities and orientation of the juvenile justice system. Rising warnings of youth "superpredators," "school shootings," and the amplification of serious episodes of juvenile crime in the biggest cities fueled political momentum to make the system "tougher" on kids. By the end of the 1990s, every state in the nation had changed their laws in some way to make it easier to incarcerate youth in the adult system. As many states made their juvenile justice systems more punitive, the courts made more zealous use of detention.

The rise of youth detention borne by youth of color

By the end of the 1990s, the system became more punitive, and every state in the nation had changed their laws in some way to make it easier to incarcerate youth in the adult system. An adult charge often means a young person must be held pre-trial in either a detention center or an adult jail.

The rapid expansion of the use of juvenile detention has hit some communities harder than others. From 1985 to 1995, the number of youth held in secure detention nationwide increased by 72 percent. But during this time, the proportion of white youth in detention actually dropped, while youth of color came to represent a majority of the young people detained. The detained white youth population increased by 21 percent, while the detained minority youth population grew by 76 percent. By 1997, in 30 out of 50 states (which contain 83 percent of the U.S. population) minority youth represented the majority of youth in detention.[46] Even in states with tiny ethnic and racial minority populations, (like Minnesota, where the general population is 90 percent white, and Pennsylvania, where the general population is 85 percent white) more than half of the detention population are youth of color. In 1997, OJJDP found that in every state in the country (with the exception of Vermont), the minority population of detained youth exceeded their proportion in the general population.[47]

The latest figures show that the shift in the demographics of detention that occurred during the 1980s and 1990s continues today: In 2003 African-American youth were detained at a rate 4.5 higher than whites; and Latino youth were detained at twice the rate of whites. Minority youth represented 61 percent of all youth detained in 2003.[48]

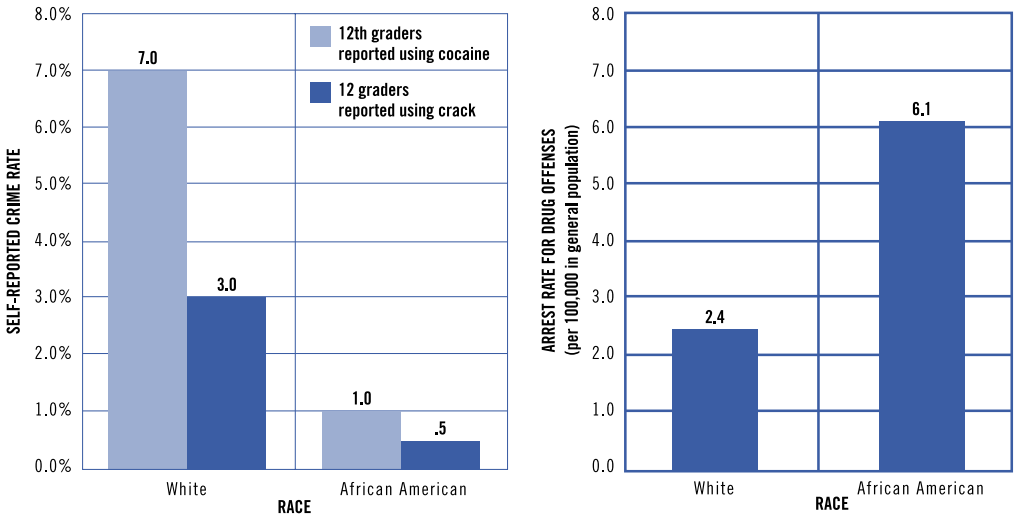


Source: Sickmund, Melissa, Sladky, T.J., and Kang, Wei (2004), "Census of Juveniles in Residential Placement Databook," http://www.ojjdp.ncjrs.org/ojstatbb/cjrp/.

The greatest levels of racial disparity in the use of detention are found in the least serious offense categories. For example, surveys from the late 1990s found that whites used and sold drugs at rates similar to other races and ethnicities, but that African Americans were detained for drug offenses at more than twice rate of whites.[49] White youth self-reported using heroin and cocaine at 6 times the rate of African-American youth, but African-American youth are almost three times as likely to be arrested for a drug crime.[50] On any given day, African Americans comprise nearly half of all youth in the United States detained for a drug offense.[51]

While white youth and minority youth commit several categories of crime at the same rate, minority youth are more likely to be arrested.

WHITE YOUTH REPORT USING DRUGS AT 6 TO 7 TIMES THE RATE OF AFRICAN AMERICANS, BUT AFRICAN AMERICAN YOUTH ARE ARRESTED AT HIGHER RATES THAN WHITES FOR DRUG CRIMES



Sources for both graphs: Yamagata, Eileen Poe and Michael A. Jones. *And Justice for Some: Differential Treatment of Minority Youth in the Justice System.* Washington, DC: Building Blocks for Youth, April 2000; *U.S. Population Estimates by Age, Sex, Race, and Hispanic Origin: 1980–1999.* Population Estimates Program, Population Divisions, U.S. Census Bureau, 2000; *Monitoring the Future Report, 1975–1999,* Volume I. Washington, DC: National Institute on Drug Abuse, 2000.

The causes of the disproportionate detention of youth of color are rooted in some of the nation's deepest social problems, many of which may play out in key decision-making points in the juvenile justice system.

While white youth and minority youth commit several categories of crime at the same rate, minority youth are more likely to be arrested. Once arrested, white youth tend to have access to better legal representation and programs and services than minority youth.

People involved in the decision to detain a youth may bring stereotypes to their decision. One study shows that people charged with the decision of holding youth prior to adjudication are more likely to say a white youth's crimes are a product of their environment (i.e. a broken home), while an African-American youth's delinquency is caused by personal failings—even when youth of different races are arrested for similar offenses and have similar offense histories.[52]

The way to reduce the impact of detention is to reduce the number of youth needlessly or inappropriately detained.

A Better Way: Juvenile Detention Reforms Taking Hold Across the Nation

The way to reduce the impact of detention on young people is to reduce the number of youth needlessly or inappropriately detained. The Juvenile Detention Alternatives Initiative (JDAI) is a response to the inappropriate and unnecessary detention of youth in the nation's juvenile justice systems. JDAI is a public-private partnership being implemented nationwide; pioneering jurisdictions include Santa Cruz County, California Multnomah County (Portland), Oregon; Bernalillo County (Albuquerque), New Mexico; and Cook County (Chicago), Illinois.

JDAI is a process, not a conventional program, whose goal is to make sure that locked detention is used only when necessary. In pursuing that goal, JDAI restructures the surrounding systems to create improvements that reach far beyond detention alone.

To achieve reductions in detention populations, the JDAI model developed a series of core strategies, which include:

- **Inter-governmental collaboration:** bringing together the key actors in the juvenile justice system—especially courts, probation, and the police—as well as actors outside the justice system such as schools and mental health.
- **Reliance on data:** beginning with data collection and leading to continuous analysis of data as well as the cultural expectation that decisions will be based on information and results.
- **Objective admissions screening:** developing risk assessment instruments and changing procedures so they are always used to guide detention decisions.
- **Alternatives to secure confinement:** creating programs and services in the community to ensure appearance and good behavior pending disposition, and to be available as an option at sentencing.
- **Expedited case processing:** to move cases along so youth don't languish in detention for unnecessarily long time periods.
- **Improved handling of "special cases":** Youth who are detained for technical probation violations, outstanding warrants, and youth pending services or placement create special management problems and need special approaches.
- **Express strategies to reduce racial disparities:** "good government" reforms alone do not eliminate disparities; specific attention is needed to achieve this goal.
- **Improving conditions of confinement:** to ensure that the smaller number of youth who still require secure detention are treated safely, legally, and humanely.

The fundamental measure of JDAI's success is straightforward: a reduction in the number of youth confined on any day and admitted to detention over the course of a year, and a reduction in the number of young people exposed to the dangers inherent in a detention stay.

Detention Reform Decreases Detention Populations: Admissions Impact of JDAI on Select Sites.				
County	Average Daily Population		Annual Admissions	
	Pre-JDAI	2003	Pre-JDAI	2003
Cook	623	454 (-27.1%)	7,438	6,396(-14.0%)
Multnomah	96	33 (-65.6%)	2,915	348 (-88.1%)
Santa Cruz	47	27 (-42.6%)	1,591	972 (-38.9%)
Source: Cook County, Multnomah, and Santa Cruz Probation Departments.				

Decreasing the use of detention has not jeopardized public safety. In the counties implementing JDAI, juvenile crime rates fell as much as, or more than, national decreases in juvenile crime. These communities have also experienced an improvement in the number of young people who appear in court after they have been released from detention, further reducing the need for detention.

Detention Reform Coincides with Crime Declines, and Failure to Appear Rates Fall.			
County	Violent Juvenile Arrest Rate	Failure to Appear	
	(1996-2002)	Pre-JDAI	2003
Cook	-54%	39%	13%(-66.7%)
Multnomah	-45%	7%	7%
Santa Cruz	-38%	N/A	3%
United States Average	-37%		
Source: Uniform Crime Report, Crime in the United States Survey (1996; 2002); Cook County, Multnomah and Santa Cruz Probation Departments			

Like the impact of detention—which can extend beyond the walls of the locked facility—reducing detention populations influences the entire juvenile justice system. In Cook County, the number of youth sent from local detention to state prison beds declined from 902 in 1997 to 498 in 2003, at average annual savings of $23,000 per bed.[53] In addition, more kids who rotated through the juvenile justice system re-enrolled in school and obtained scholarships for college.

Cities and counties engaged in detention reform also note their progress by their acceptance in the community. Cook County engaged system kids and their parents for advice about how to improve the system, and persevered (and supported the staff) through some daunting complaints. In the aftermath, the probation department adjusted its office hours and locations, changed the way it communicated with clients and their families, and institutionalized feedback mechanisms. Now community members are genuinely engaged in decisions including policy formulation, program development, and even hiring. It is not a formal measure, but it leads to improved services and priceless levels of respect and engagement in the community.

A better future: invest juvenile justice funds in programs proven to work

If detention reform is successful, communities should be able to reinvest the funds once spent on detention beds and new detention centers in other youth-serving systems, or other interventions proven to reduce recidivism.

The Center for the Study and Prevention of Violence, the Office of Juvenile Justice and Delinquency Prevention, the Washington State Institute for Public Policy, and a plethora of other research institutes have shown that several programs and initiatives are proven to reduce recidivism and crime in a cost-effective matter. Some common elements in proven programs include:

- Treatment occurs with their family, or in a family-like setting
- Treatment occurs at home, or close to home
- Services are delivered in a culturally respectful and competent manner
- Treatment is built around the youth and family strengths
- A wide range of services and resources are delivered to the youth, as well as their families.

Most of these successful programs are designed to serve the needs of youth in family-like settings, situated as close to home as possible with services delivered in a culturally sensitive and competent manner.

These proven programs identify the various aspects of a youth—their strengths and weaknesses as well as the strengths and resources of their families and communities. Progress is based on realistic outcomes and carefully matches the particular needs of the youth and family to the appropriate intervention strategy.

In the counties implementing JDAI, juvenile crime rates fell as much as, or more than the national decreases in juvenile crime.

For online information and assistance on detention reform, visit: *www.jdaihelpdesk.org*

To learn more about the work and research of the Justice Policy Institute, visit: *www.justicepolicy.org.*

Authors

Barry Holman is a criminal justice researcher and author. He is the Senior Associate of Research and Quality Assurance for the Department of Youth Rehabilitation Services of Washington, D.C. and the former Director of Research and Public Policy for the National Center on Institutions and Alternatives. He authored forthcoming Annie E. Casey Foundation, *Doing Deadtime: An Assessment of Detained Youth Awaiting Placement, the Process that Keeps Them Waiting and Findings from an Alternative Placement Project.*

Jason Ziedenberg is the Executive Director of the Justice Policy Institute, a Washington, D.C. based public policy organization dedicated to ending society's reliance on incarceration by promoting effective and just solutions to social problems. He is author of the Annie E. Casey foundation publication *Pathway's 8: Reducing Racial Disparity in Detention.*

Acknowledgements

The Justice Policy Institute is a Washington DC-based think tank dedicated to ending society's reliance on incarceration and promoting effective and just solutions to social problems. This policy brief has been adapted from the forthcoming "The Dangers of Detention: The Impact of Incarcerating Youth in Detention and Other Secure Congregate Facilities," Baltimore, Maryland: Annie E. Casey Foundation. This report was edited by Anjula Razdan, designed by Robert Lewis, and supported by a generous grant from the Annie E. Casey Foundation. For more information, visit our website, www.justicepolicy.org

[1] Adapted from the publication by Holman, Barry and Ziedenberg, Jason, *The Dangers of Detention: The Impact of Incarcerating Youth in Detention and Other Secure Congregate Facilities* (forthcoming). Baltimore, Maryland: Annie E. Casey Foundation.

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[5] *Ellen Schall, Commission of New York City Department of Juvenile Justice v. Gregory Martin et al. Robert Abrams, Attorney General of New York*. No. 82-1248, 82-1278. (Decided, June 4, 1984).

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[8] Sickmund, M., Sladky, T.J., and Kang, W. (2004), "Census of Juveniles in Residential Placement Databook" *http://www.ojjdp.ncjrs.org/ojstatbb/cjrp/*. In regards to the estimate of the number of youth moving through detention each year, the most recent data available from surveys administered by the National Council on Juvenile Justice (NCJJ) estimate that 350,000 youth were detained in 1999 (OJJDP, 2001b). This figure, however, does not include youth detained while they are awaiting a court-ordered out-of-home placement. Further, according to Dr. Barry Krisberg, "The NCJJ data covers court hearings for detention—many youths come into detention via law enforcement agencies, schools, parents, social service agencies etc, and are released before a court hearing is held—this might also include probation and parole violators in some jurisdictions." Personal correspondence (2003).

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frequently. Others question whether the number of suicides being accounted in more recent studies accurately reflects the true number of suicides in juvenile institutions (Hayes, Personal Communications; 2006). It beyond the scope of this paper to answer which method yields a more accurate reflection of true youth risk of "successful" suicidal behavior—something resulting in a young person's death, rather than the kind of self-harm behaviors young people engage in when in custody. As the researcher who finds no difference in "free-world" and juvenile custody suicide rates notes, *"any suicide in custody is unacceptable. Its circumstances should be investigated and practice adjusted when possible."* Synder, Howard (2005), "Is Suicide More Common Inside Or Outside of Juvenile Facilities," Corrections Today; Gallagher, Catherine A. and Dobrin, Adam. "The Comparative Risk of Suicide in Juvenile Facilities and the General Population: The Problem of Rate Calculations in High Turnover Institutions." (forthcoming). *Criminal Justice and Behavior.*

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APPENDIX D

APPENDIX D
County Detention Center Mileage Chart

	St. Johns APACHE	Sierra Vista COCHISE	Flagstaff COCONINO	Globe GILA	Safford GRAHAM	Parker LA PAZ	Phoenix MARICOPA	Mesa MARICOPA	Kingman MOHAVE	Holbrook NAVAJO	Tucson PIMA	Florence PINAL	Nogales SANTA CRUZ	Prescott YAVAPAI	YUMA
St. Johns APACHE	0	314	146	131	200	392	222	210	294	57	240	186	297	235	400
Sierra Vista COCHISE	314	0	335	182	118	345	194	191	386	325	75	147	66	289	318
Flagstaff COCONINO	146	335	0	178	254	248	145	164	150	93	263	210	321	95	322
Globe GILA	131	182	178	0	76	243	91	71	283	131	109	55	166	180	265
Safford GRAHAM	200	118	254	76	0	319	167	148	359	206	125	131	155	260	360
Parker LA PAZ	392	345	248	243	319	0	155	173	98	338	272	220	330	157	119
Phoenix MARICOPA	222	194	145	91	167	155	0	20	193	188	122	66	177	98	185
Mesa MARICOPA	210	191	164	71	148	173	20	0	213	178	119	48	175	115	193
Kingman MOHAVE	294	386	150	283	359	98	193	213	0	240	311	258	369	144	217
Holbrook NAVAJO	57	325	93	131	206	338	188	178	240	0	239	216	300	184	369
Tucson PIMA	240	75	263	109	125	272	122	119	311	239	0	74	64	216	245
Florence PINAL	186	147	210	55	131	220	66	48	258	216	74	0	140	162	210
Nogales SANTA CRUZ	297	66	321	166	155	330	177	175	369	300	64	140	0	272	302
Prescott YAVAPAI	235	289	95	180	260	157	98	115	144	184	216	162	272	0	223
YUMA	400	318	322	265	360	119	185	193	217	369	245	210	302	223	0

APPENDIX E

APPENDIX E

INTERGOVERNMENTAL AGREEMENT BY AND BETWEEN NAVAJO COUNTY, ARIZONA, THE SUPERIOR COURTS OF THE STATE OF ARIZONA IN AND FOR THE COUNTIES OF NAVAJO AND PINAL COUNTY, AND PINAL COUNTY, FOR USE OF THE PINAL COUNTY YOUTH JUSTICE CENTER

THIS INTERGOVERNMENTAL AGREEMENT dated this 9th day of June, 2017 ("Agreement"), is made by and between Navajo County, a political subdivision of the State of Arizona, and the Superior Court of Arizona in and for the County of Navajo, on behalf of the Navajo County Juvenile Probation Department ("NCJPD"), and the Superior Court of Arizona in and for the County of Pinal, on behalf of the Pinal County Youth Justice Center ("PCYJC" or "Facility"), and Pinal County, a political subdivision of the State of Arizona, for the detention and care of juveniles under the supervision of the NCJPD (all of whom may be collectively referred to as "PARTIES"):

RECITALS

WHEREAS, the Pinal County Board of Supervisors, as required by Arizona Revised Statutes ("A.R.S.") § 8-305, maintains a detention center that is separate and apart from a jail or lockup in which adults are confined and where juveniles who are alleged to be delinquent or children who are incorrigible and within the provisions of A.R.S. Title 8, Chapter 3, Article 1, shall be detained when necessary before or after a hearing or as a condition of probation; and

WHEREAS, the Presiding Judge of the Juvenile Division of the Superior Court in Pinal County supervises the Facility, as required by A.R.S. § 8-306; and

WHEREAS, A.R.S. §§ 11-951 and 11-952(J), authorize the various political subdivisions of the State to enter into agreements for services, joint exercises of their respective governmental powers, and facilities.

NOW, THEREFORE, in consideration of the mutual promises and obligations set forth, herein, the Parties agree as follows:

AGREEMENT

1. Purpose; Scope of Services

The purpose of this Agreement is to allow the PCYJC to provide, and the NCJPD, to use, for a fee, detention services ("Services") for housing and detaining juveniles under the supervision of the NCJPD. Pursuant to A.R.S. 8-201(6) a "juvenile" means an individual who is under the age of eighteen years. The Juvenile Justice Center will not accept for detention juveniles who are charged with an incorrigible offense or who are under the age of eight years.

1.1 Services will be provided for a fee for all juveniles referred by the NCJPD to the PCYJC, unless the population of the portion(s) of the PCYJC in operation at the time of the referral is at capacity.

1.2 When the PCYJC is at or near capacity, they will work with the NCJPD to determine which juveniles under the supervision of the NCJPD should be released in the event the need arises for additional detention of juveniles by the PCYJC.

1.3 Services provided shall include, but are not to be limited to, housing, food, clothing, normal hygiene, and other routine services and care, including routine medical care, education, recreation, and visitation.

1.4 All Services will be provided in compliance with applicable laws, ordinances, state and federal standards and practices. All juveniles referred to the PCYJC by the NCJPD will be treated according to the same rules and regulations applied to other detainees in the custody of the PCYJC.

1.5 The PCYJC will arrange for non-routine medical, mental health, and/or educational services by juveniles referred by the NCJPD and detained at the Facility. These non-routine services include, but are not limited to, hospitalization, ambulance, psychiatric assessments, psych-ed evaluation, and medications

2. Payment

2.1 The NCJPD agrees to pay the PCYJC a daily rate of $175 per juvenile. The daily rate begins on the date of arrival. The PCYJC will bill the NCJPD for the date of arrival but not the date of departure. The daily rate includes all Services under paragraph 1.2 above. The daily rates shall not be increased without the written agreement of NCJPD and shall be studied by the Parties every three years.

> For example: if a juvenile is admitted at 1900 hours on Sunday and is released at 0700 hours on Monday, the PCYJC will bill for only one day. If a juvenile is admitted at 0100 hours on Sunday and is released at 2359 hours on Monday, the PCYJC will bill for only one day.

2.2 The NCJPD agrees to reimburse the PCYJC for the cost of all non-routine medical, mental health, and education services under Paragraph 1.4 above that are required by juveniles referred to the Facility by the NCJPD.

2.3 In all emergency situations, the PCYJC shall request the NCJPD's written concurrence as to the non-routine services to be provided to juveniles referred to the Facility by the NCJPD and as to the costs to be reimbursed prior to the provision of any such non-routine services under paragraph 1.4 above.

2.4 The PCYJC shall have sole responsibility and discretion for determining whether a situation is an emergency, or becomes an emergency while awaiting the NCJPD's concurrence as to non-routine, non-emergency

services and the NCJPD shall defer to the PCYJC's assessment of the situation and determination regarding the emergency or non-emergency nature of the situation.

2.5 The PCYJC will notify the NCJPD of any emergency situation and services within 24 hours of its or their occurrence.

2.6 The PCYJC will provide an invoice to the NCJPD on a monthly basis for Services rendered.

2.7 The NCJPD will pay the PCYJC promptly upon receipt of the invoice, but in any event such payment shall be made no later than thirty days after the date of the invoice.

3. Term; Termination

3.1 The initial term of this Agreement shall be for a period from June 9, 2017 to June 9, 2018, unless terminated earlier as provided herein, provided that unless any Party gives notice to the others of its intention not to renew, at least thirty days before the end of said initial term, or of any renewal term, this IGA shall be automatically renewed for an additional one year period, for a total period not to exceed ten years per A.R.S. § 11-952(J).

3.2 The Parties may terminate this Agreement at any time if they mutually agree to do so in a written document signed by the Parties. In addition, any party to this Agreement may terminate this Agreement unilaterally, with or without cause, prior to the normal expiration of its term by providing the other Parties with no less than thirty days advance written notice of termination.

3.3 Every payment obligation of the Parties under this Agreement is conditioned upon the availability of funds appropriated and allocated for the payment of such obligation. If funds are not appropriated, allocated and available or if the appropriation is changed, resulting in funds no longer being available for the continuance of this Agreement, this Agreement may be terminated by the Parties at the end of the period for which funds are available. No liability shall accrue to the Parties in the event this provision is exercised, and the Parties shall not be obligated or liable for any future payments or for any damages as a result of termination under this paragraph.

4. Referrals; Booking

4.1 NCJPD will contact **PCYJC Intake unit @ (520)866-4018,** prior to transporting a juvenile to the Facility for admission.

4.2 NCJPD will provide to PCYJC a Court Order and/or referral and affidavit to detain the juvenile. PCYJC may request additional information including

but not limited to, information regarding the juvenile's family history, behavioral issues, medical, mental health, psychological evaluations, school, and/or social history for admission and monitoring purposes.

NCJPD shall ensure that No juvenile shall be held at PCYJC for more than twenty-four hours unless a petition alleging incorrigible or delinquent conduct or a criminal complaint has been filed and a copy provided to the PCYJC Intake unit. No juvenile shall be held longer than twenty four hours after the filing of a petition unless so ordered by the court after a hearing.

4.3 NCJPD shall ensure that if a hearing is not held within twenty-four hours of the time of filing of the petition, the juvenile shall be released from PCYJC to a parent, guardian, custodian or other responsible person. If no parent, guardian, custodian or other responsible person can be located, PCYJC shall release the juvenile to the Department of Child Safety. PCYJC shall notify Navajo County Juvenile Court of the release.

4.4 NCJPD will not deliver to the Facility juveniles who are under the influence of controlled substances, or who are experiencing serious medical or mental health concerns, including self-harm behavior, without first obtaining a medical release from an appropriate medical and/or mental health professional or hospital.

4.5 PCYJC retains final and absolute right either to refuse acceptance, or request removal, of any NCJPD-hold juvenile exhibiting violent or disruptive behavior, or of any juvenile found to have a medical condition that requires medical care beyond the scope of the PCYJC health provider. In the case of a juvenile already in custody, PCYJC shall notify NCJPD and request such removals, and shall allow NCJPD reasonable time to make alternative arrangements for the juvenile.

4.6 In the event of any emergency requiring evacuation of the Facility, PCYJC shall evacuate the juvenile in the same manner, and with the same safeguards, as it employs for juveniles detained under PCYJC's authority. PCYJC shall verbally notify NCJPD, and confirm by e-mail or fax, within two hours of such evacuation.

5. Release; Review

5.1 NCJPD shall notify **PCYJC Intake Unit (520) 866-4018** when detained juvenile under its supervision is to be released from the Facility to the custody of Navajo County. Any such release made at the request of the NCJPD shall be at the sole discretion of the NCJPD and shall, with prior verbal notice confirmed by e-mail or fax, be performed promptly and without undue delay by the PCYJC, and shall not require an order of a court. The Facility shall only release a detained juvenile to a specifically identified person that the NCJPD has advised, in writing, is authorized to take custody of the juvenile.

6. Transportation; Legal Representation of Detainees

6.1 NCJPD shall provide transportation to and from the PCYJC when juveniles under its supervision are booked into and released from the Facility, when appearances are required at court hearings, and, when medical, dental, or other appointments for any such juvenile are scheduled with/outside the Florence area. PCYJC staff will assist when available on transports within the Florence area.

6.2 Neither the County nor the PCYJC shall be responsible for any legal representation needed by juveniles under the NCJPD's supervision that are detained at the Facility.

7. Communication

The NCJPD and PCYJC shall at all times maintain close communications through designated staff regarding the status of juveniles under its supervision.

8. Choice of Law

The Agreement is made and to be performed in the State of Arizona and shall be construed, enforced, and governed by the internal, substantive laws of the State of Arizona without regard to conflict of law principles.

9. Notices

All notices, requests for payment, or other correspondence between the parties regarding this Agreement shall be mailed or delivered personally to the respective Parties to the following addresses:

Pinal County	Navajo County
Denise Smith	Laura Mudge
Director of Juvenile Services	Accountant
P. O. Box 1009	P. O. Box 668
Florence, AZ 85132	Holbrook, AZ. 86025
(520) 866-7065	(928) 524-4131

Notices under this Section shall be deemed completed and effective on the date delivered, if given by facsimile, personal delivery, email or overnight express delivery service, or four days after the date of deposit in the mail if sent through the United States Mail.

10. Conflict of Interest

This Agreement is subject to cancellation or termination pursuant to A.R.S. § 38-511, the provisions of which are incorporated herein by this reference.

11. Entire Agreement; Amendment(s)

This Agreement constitutes the entire agreement and understanding between the Parties with respect to, and supersedes any and all prior agreements, understanding, negotiations, and representation regarding the subject matter of this Agreement. This Agreement may only be amended in writing upon mutual agreement of the Parties.

12. Recordation

Upon approval and execution of this Agreement by the Parties, Pinal County shall cause this Agreement to be recorded in the Official Records of the Pinal County Recorder's Office.

13. Construction; Section Headings

Whenever the context of this Agreement requires, the singular shall include the plural, and the masculine, neutral or feminine shall include each of the other. This Agreement is the result of negotiations between the Parties and shall not be construed for or against any of the Parties as a consequence of any Party's role or the role of any Party's attorney in the preparation or drafting of this Agreement or any amendments hereto. The Section Headings contained in this Agreement are for the convenience and reference of the Parties and are not intended to define or limit the meaning or scope of any provision of this Agreement.

14. Compliance with Laws; Non-Discrimination

The Parties and their employees and agents shall at all times comply with all applicable federal, state and local laws, statutes, ordinances, rules, regulations, and codes, and all orders and decrees of bodies or tribunals having jurisdiction or authority, which may in any manner affect the provision of Services under this Agreement. In addition, the Parties agree to comply with all applicable court orders, and state and federal laws, rules, regulations and executive orders governing non-discrimination, including the Americans with Disabilities Act, equal employment opportunity laws, and immigration laws. Each Party shall include a clause to this effect in all subcontracts related to this Agreement.

15. Independent Contractor Status

This Agreement does not create an employee/employer relationship or a joint employment relationship between the Parties. Rather, it is understood and agreed that the Parties at all times shall be deemed independent contractors of each other for all purposes, and that no Party to this Agreement nor its employees or agents shall be considered employees of any other Party under this Agreement.

16. Inurnment; Assignment; Subcontracting

All of the terms, covenants and conditions of this Agreement shall be binding upon, and shall inure to the benefit of, each Party and the successors and assigns of each Party. The Parties shall not assign nor sub-contract their rights, duties, or obligations under this Agreement without the prior written consent of the other Parties.

17. No Third Party Beneficiaries

There are no third party beneficiaries of this Agreement and no third party shall be entitled to claim any right or interest under or by reason of this Agreement or to enforce any Provision of this Agreement.

18. Counterpart Signatures

This Agreement may be executed in any number of counterparts, each of which shall be deemed a duplicate original and all of which when taken together shall constitute one and the same document. Counterparts are effective and binding when this Agreement has been executed by all of the Parties.

19. Liability and Indemnification

Each Party (as "Indemnitor") agrees to indemnify, defend, and hold harmless the other Party (as "Indemnitee") from and against any and all claims, losses, liability, costs, or expenses (including reasonable attorney's fees), (hereinafter collectively referred to as "Claims") arising out of bodily injury of any person (including death) or property damage, but only to the extent that such Claims which result in vicarious/derivative liability to the Indemnitee are caused by the act, omission, negligence, misconduct, or other fault of the Indemnitor, its officers, officials, agents, employees, or volunteers.

20. E-verify

In accordance with A.R.S. § 41-4401, the Parties acknowledge that immigration laws require them to register and participate with the E-Verify program (employee verification program administered by the United States Department of Homeland Security and the Social Security Administration or any successor program) as they both employ one or more Employees in this state. Each Party and subcontractor warrants their compliance with all federal immigration laws and regulations that relate to their employees and their compliance with A.R.S. § 23-214 subsection A. A breach of this warranty shall be deemed a material breach of the contract that is subject to penalties up to and including termination of the contract. Each Party retains the legal right to inspect the papers of any other Party or

Subcontractor employee who works on the contract to ensure compliance with this warranty.

21. Arbitration

Pursuant to Section 12-1518 of the Arizona Revised Statutes, the Parties acknowledge and agree that they will be required to make use of mandatory arbitration of any legal action that is filed in the Arizona Superior Court concerning a controversy arising out of this Agreement if required by Section 12-133 of the Arizona Revised Statutes.

22. PREA Compliance

The Prison Rape Elimination Act (PREA) of 2003 (with Final Rule August 2012), 42 U.S.C. §§ 15601-15609 (2012), was established to address the elimination and prevention of sexual assault and sexual harassment within correctional systems and detention facilities. PCJYC will comply with all standards outlined in the Final Rule. The Florence Police Department will be assigned to investigate all incidents of sexual assault allegedly occurring within the Youth Justice Center. The Parties agree to disclose any knowledge of sexual abuse or sexual harassment that a Navajo County detained youth may have encountered, whether as the perpetrator or the victim.

23. Records Retention

The Parties agree to comply with the records retention requirements of A.R.S. § 35-214.

24. Financing

Navajo County will use the cost savings from closing its juvenile detention center to finance this agreement.

By their signatures set forth below, the Parties agree to and accept the terms, conditions, and provisions of this Agreement.

PINAL COUNTY, ARIZONA

By: _____
Steven Miller, Chairman
Pinal County Board of Supervisors

Date:_____

NAVAJO COUNTY, ARIZONA

By:_____
Jesse Thompson, Chairman
Navajo County Board of Supervisors

Date:_____

SUPERIOR COURT OF ARIZONA
IN AND FOR PINAL COUNTY

By:_____
Honorable Stephen F. McCarville
Presiding Superior Court Judge

Date:_____

SUPERIOR COURT OF ARIZONA
IN AND FOR NAVAJO COUNTY

By:_____
Honorable Robert J. Higgins
Presiding Juvenile Court Judge

Date:_____

Approved as to Content

_____
Denise Smith
Director of Juvenile Court Services
Pinal County

Date:_____

_____
Jason Cash
Interim Chief Probation Officer
Navajo County

Date:_____

Determinations of Counsel

Pursuant to A.R.S. § 11-952(D), this Agreement has been reviewed by the undersigned counsel who have determined that it is in appropriate form and is within the powers and authority granted under the laws of the State of Arizona to each respective public body.

ATTORNEY FOR PINAL COUNTY

_____
Cedric Hay for Kent Volkmer
Pinal County Attorney

Date: _____

ATTORNEY FOR NAVAJO COUNTY

_____
Bradley Carlyon
Navajo County Attorney

Date: _____

APPENDIX F

APPENDIX F

New Jersey Juvenile Justice Commission

Guidelines to Assist Counties, Changes in Juvenile Detention Facility Utilization
April 14, 2008

This policy establishes standards and procedures to be followed both by the Commission and by County Juvenile Detention Facilities in connection with proposals to significantly change Detention Facility utilization.

Under the provisions of N.J.S.A 2A:4A-37(b) the Commission is responsible for approving all places where juveniles may be placed in detention. That said, and in view of current budgetary pressures upon all levels of government to streamline and consolidate operations, the Commission believes it would useful to provide clear and uncomplicated guidelines to be followed when County authorities propose major utilization changes.

The Commission remains available to County officials to assist them in making these guidelines the useful tool they are intended to be.

Guidance for Juvenile Detention Facilities
With Respect to Changes in Facility Utilization

A. Written implementation proposals submitted by all relevant facilities and authorities and approved by the Commission are required prior to:
    1. Any shared or additional use of a facility;
    2. Any closure of facility or portion thereof; and
    3. Any transfer of juveniles, except for routine transfers for operational purposes.

B. A written implementation plan shall contain such elements as are determined to be necessary and appropriate by the Executive Director or designee, and shall include at a minimum:
    1. A clear explanation of the need to be addressed by the proposed action;
    2. A description of all policy options considered and rejected in favor of the proposed action, including why the proposed action best meets the need identified in subsection B(1), above;
    3. Estimated costs;
    4. A detailed projected time line for implementation; and
    5. The review factors set forth in Subsection d, below

C. An implementation proposal that is complete and in compliance with the requirements of Subsection b, above, shall be approved, unless it is determined by the Commission that the proposed plan:
    1. Is unclear or facially inconsistent;
    2. Fails to comply with any requirements of State or Federal law pertaining to the detention of juveniles; or
    3. Otherwise proposes a course of action not conducive to the welfare of juveniles or to the best interests of the State, as determined by the

Commission utilizing the review factors set forth in Subsection d, below.

D. In making the determination provided for in subsection C(3), above, the Commission shall utilize the following review factors:
    1. With respect to sending and receiving facilities:
        a. Access to family, legal services, community providers and local support groups;
        b. Available educational services and access to local school district resources;
        c. Quality of projected contract administration and quality assurance, including ongoing contract and fiscal monitoring;
        d. Historical stability of average daily facility population; and
        e. Such other factors as may be required by the Commission.
    2. With respect to receiving facilities, demonstrated capacity to comply with the provisions of this chapter, including but not limited to provisions related to:
        a. Operational requirements;
        b. Provision of medical and psychiatric services;
        c. Provision of adequate social services; and
        d. Adequacy of custody supervision;
    3. With respect to sending facilities:
        a. Soundness of assessments supporting the need to acquire the number of beds identified in the implementation plan;
        b. Adequacy of contingency plans for possible additional beds;
        c. Plans for the transportation of juveniles to and from court, outside services and interviews;
        d. The implementation plan's anticipated impacts upon court resources, including case processing time, calendar delays, adjournments, together with a proposed course of action to remedy any negative impacts;
        e. The implementation plan's anticipated impacts upon detention alternative programs run by the facility and by other agencies and organizations, together with a proposed course of action to remedy any negative impacts; and
        f. Impact upon law enforcement resources, including anticipated impact upon the transportation of juveniles to detention facilities from municipal or other lockup facilities.

E. Inter-county and other transfers of juveniles to and from a detention facility are subject to monitoring and approval of the Commission.

F. In any event:
    1. The population of a detention center may not be artificially increased or decreased, or otherwise manipulated, in order to meet objectives unrelated to sound operational practices for secure detention facilities; and
    2. No transfer of juveniles shall be permitted if as a result of the transfer the population in the receiving facility shall exceed the maximum population capacity assigned by the Commission, as provided for in subsection A.C. 13:92-4.2(b).

APPENDIX G

Appendix G: Relevant Arizona Statutes and Rules

A.R.S. § 8-206(B) *provides: "The venue of proceedings in the juvenile court in which a petition alleging a delinquent act is filed is the county where the alleged delinquent act occurs."*

A.R.S. § 8-201(16) defines "*Detention*" as the temporary confinement of a juvenile who requires **secure care** in a "*physically restricting facility that is completely surrounded by a locked and physically secure barrier with restricted ingress and egress for the protection of the juvenile or the community pending court disposition or as a condition of probation.*"

A.R.S. § 8-201(31) defines "*Secure care*" as confinement in a facility that is completely surrounded by a locked and physically secure barrier with restricted ingress and egress.

A.R.S. § 8-303 provides:
*A. Except as provided in § 8-305, a juvenile taken into **temporary custody** shall not be detained in a police station, jail or lockup where adults charged with or convicted of a crime are detained.*
…
*D. A peace officer shall take a juvenile into **temporary custody** pursuant to the laws of arrest, with or without a warrant, when there are reasonable grounds to believe that either:*
1. The juvenile has committed a criminal act or a delinquent act which if committed by an adult could be a felony or breach of the peace.
2. The juvenile has been apprehended in commission of a criminal act or a delinquent act, which if committed by an adult would be a felony, or in fresh pursuit.

*E. A juvenile who is taken into **temporary custody** pursuant to subsection D of this section may be released from temporary custody only to the parents, guardian or custodian of the juvenile or to the **juvenile court**. (emphasis added)*

A.R.S. § 8-304(A) *provides:*
A. The law enforcement officer having jurisdiction in the place in which an act of delinquency or incorrigibility is alleged to have occurred is responsible for the complete investigation surrounding the alleged commission of the act."

A.R.S. § 8-305 provides:
A. The county board of supervisors or the county jail district, if authorized pursuant to title 48, chapter 25, shall maintain a detention center that is separate and apart from a jail or lockup in which adults are confined and where juveniles who are alleged to be delinquent or children who are incorrigible and within the provisions of this article shall be detained when necessary before or after a hearing or as a condition of probation. A juvenile who is charged with an offense that is not a dangerous offense and that is listed in § 13-501 may be detained in a juvenile detention center if the detention is ordered by the court. The board may enter agreements with public or private entities to acquire land for, build, purchase, lease-purchase, lease or expand a detention center required by this section."

B. The board of supervisors or the county jail district, if authorized pursuant to title 48, chapter 25, may provide for the detention of juveniles who are accused or convicted of a criminal offense in a jail or lockup in which adults are confined. A juvenile who is confined in a jail or lockup in

which adults are confined shall be kept in a physically separate section from any adult who is charged with or convicted of a criminal offense, and no sight or sound contact between the juvenile and any charged or convicted adult is permitted, except to the extent authorized under federal laws or regulations.

…

E. A child who is alleged to be delinquent or who is alleged to be incorrigible shall not be securely detained in a jail or lockup in which adults charged with or convicted of a crime are detained. A child may be nonsecurely detained if necessary to obtain the child's name, age, residence or other identifying information for up to six hours until arrangements for transportation to any shelter care facility, home or other appropriate place can be made. A child who is nonsecurely detained shall be detained separately from any adult charged with or convicted of a crime, and no sight or sound contact with any charged or convicted adult is permitted, except to the extent authorized under federal laws or regulations.

A.R.S. § 8-307(A) *provides: "…any child ten years of age or older, against whom a complaint has been filed citing the commission of a delinquent act shall appear at the juvenile court at a time certain set by the juvenile court."*

(B) *provides: "The law enforcement agency making the complaint shall immediately notify the parents, guardian or custodian of child that the complaint is being sent to the juvenile court."*

A.R.S. § 8-308(A) *provides: "The parent, legal guardian or custodian of a juvenile or child against whom a petition has been filed…shall be served with a notice to appear and shall appear with the juvenile or child at the juvenile court at time set by court."*

A.R.S. § 8-221(A) *provides: "In all proceedings involving offenses, dependency or termination of parental rights that are conducted pursuant to this title and that may result in detention, a juvenile has the right to be represented by counsel."*

Rule 10(A), *Rules of Procedure for the Juvenile Court states: "The juvenile has the right to be represented by counsel in all delinquency and incorrigibility proceedings as provided by law. The court shall appoint counsel for the juvenile if the juvenile is determined to be indigent."*

Rule 12, Rules of Procedure for the Juvenile Court *requires the appearance of a juvenile accused of committing a delinquent or incorrigible act before the court for all proceedings as directed by the court. "the juvenile shall personally appear before the court for the following: (1) any adjudication hearing; (2) any disposition hearing; (3) any transfer hearing; and (4) any change of plea."*

The rule allows that appearance by telephone or video conferencing of the juvenile is considered a personal appearance, so long as it is stipulated to by the parties and authorized by the court.

Rule 13, Rules of Procedure for the Juvenile Court *provides for the attendance of witnesses and counsel by telephone or video conference.*

(A) Adjudication Proceedings. Subject to the juvenile's constitutional right of confrontation, all parties and witnesses shall personally appear for adjudication proceedings unless otherwise authorized by the court.

(B) Non-adjudication Proceedings. Upon motion of either party, the court may permit testimony or argument or the appearance of counsel by telephone or video conferencing in any non-adjudicatory delinquency or incorrigibility proceeding. The motion shall be in writing, unless otherwise authorized by the court.

Statutory and Court Rule Requirements Regarding Detention Centers and Detention

A.R.S. § 8-306(A) *provides: "The presiding judge of the juvenile court shall supervise the juvenile detention center and may appoint a person of good moral character to operate and manage the detention center."*

A.R.S. § 8-305(G) *provides: "The county board of supervisors, the county jail district board of directors or the administrative office of the courts on behalf of the juvenile court may enter into an agreement with public or private entities to provide the detention centers required by subsection A of this section.*

A.R.S § 8-322(D) provides *"the administrative office of the courts on behalf of the juvenile court may enter into an agreement with public or private entities to provide the detention centers required by subsection A of this section.*

A.R.S. § 11-952 authorizes public agencies to contract for services or jointly exercise any powers common to them through agreements to perform some or all of the powers held by the contracting parties.

A.R.S. §§ 48-4003 – 4005 specifically authorizes the [presiding judge pursuant to §48-4005 to enter into intergovernmental agreements with the United States, this state, any county, incorporated cities and towns and any other governmental entity to maintain and operate . . . juvenile detention facilities for the governmental entity or other county . . . for joint or cooperative construction, maintenance and operation of . . . juvenile detention facilities.

APPENDIX H

APPENDIX H

Description of the LOFT

The majority of the JDC renovation efforts are devoted to establishing "the ***LOFT*** – Legacy Teen Center". The goal of the Loft is to provide a pro-active teen resource to the rural communities surrounding St. Johns. All teens from freshman to seniors are eligible to become members of the Loft at no charge. This will allow them to serve a much larger group of juveniles in the community than the average 1.7 that we were previously detaining. The Loft will be staffed by fully trained, certified juvenile probation officers. A Director for the Loft, selected from the group of juvenile probation officers, will be named. Additionally, they expect the help of community volunteers who will also be screened and background checked.

The Loft will have the following:

- **Music Room** with guitars, ukuleles, electric guitars, banjos, a piano, and whatever other instruments the kid's request. They will utilize online resources as well as community volunteers to provide music lessons to the juveniles. They will also have an area where the juveniles can learn how to make their own videos, movies, podcasts and have invested in the computers and software to help them learn how to edit photos, videos, and audio as well.
- **Meeting/Game/Entrepreneurial Room** where students and clubs can meet, play, and brainstorm, etc.
- **Educational Room** as well where the kids will have access Wi-Fi for homework, self-paced learning modules, and tutoring. In order to make this a space teens want to come to.
- **Game Room** with video games, pool table, ping pong, and air hockey.
- **Outdoor Area** with a donated batting cage, sitting area, performing stage space, bocce-ball court, horseshoe pit, basketball hoop, and lounge area.

They are also establishing working relationships with the local high school, the honors society, business owners, and local substance abuse coalition groups to establish other opportunities for the teens. The hope is to establish self-paced learning modules covering civics, rule of law, personal finance, healthy relationships (dating, etc.), drug prevention, etc. whereby the juveniles can earn credits towards rewards such as gift cards, field trips, clothes, hats, etc. If the Loft model proves successful in St. Johns, they plan to establish Legacy Teen Centers in other communities within Apache County that are too far away to take advantage of the Loft.

APPENDIX I

APPENDIX I

Summary of JDAI 7 Guiding Principles for Alternatives

1. Detention should be viewed as a legal status, with varying levels of custody supervision, rather than as a building. In most jurisdictions, when people talk about "juvenile detention" they mean the secure facility itself. Even if the discussion is explicitly about a youth's legal status, detention is generally equated with being "locked up." In practice, however, effective system reforms are more likely— and non-secure alternatives will be better designed and implemented—if policymakers and practitioners start to think of detention as a continuum of options ranging from secure custody to various types and levels of non-custodial supervision like home confinement or day reporting. From this vantage point, the narrow options for handling newly arrested delinquents common to most systems (i.e., secure custody versus outright release) can be expanded through the implementation of new programs, such as those described in this monograph. Then, youth will be more likely to end up in detention options consistent with the risks they pose, rather than being securely detained simply because no alternatives to the locked facility are available.

2. For alternatives to detention to be effective, agreement is needed on the purpose of secure detention and of alternatives. It is an unfortunate truism: The creation of detention alternatives does not always reduce a jurisdiction's use of secure detention. Before planning and developing alternatives, the leadership of a jurisdiction needs to define and agree upon the purposes of secure detention and of non-secure alternatives to it. Without such agreement, the creation of alternatives may "widen the net," or lead to inappropriate interventions. For pre-adjudicated youth, secure detention should be used to ensure the youth's appearance at subsequent court hearings and/or to minimize the likelihood of serious new offenses. Pre-trial alternatives to detention, therefore, are not meant to punish youth or to provide treatment.

3. Detention alternatives should be planned, implemented, managed, and monitored using accurate data. Before designing an alternative program, a jurisdiction needs to understand what types of alleged delinquents are being held in secure detention and for how long. These data will help determine how many youth are being held for probation violations, as courtesy holds, as placement "failures," or for short-term sentences. Answers to these questions should suggest programmatic solutions. For example, if a large number of secure beds are filled with probation violators, the types of programs needed will be different than if the target population is largely pre-adjudicated youth. Once implemented, detention alternatives should be monitored using objective data to track and analyze (1) the numbers and types of youth placed in the programs, (2) whether the program is displacing youth from the secure facility, and (3) how well the juveniles perform while in the alternative.

4. A reformed detention system should include a continuum of detention alternatives, with various programs and degrees of supervision matched to the risks of detained youth.

Detention alternatives should offer a variety of levels of supervision to youth awaiting adjudication. A typical detention continuum will include, at a minimum, home confinement or community supervision; day or evening reporting centers for youth who lack structured daily activities; and non-secure shelter for youth who need 24-hour supervision, or as in some jurisdictions, for youth without a home to return to. Placement in the continuum should be based upon an individualized assessment of each youth's potential danger to the community and likelihood of flight. Effective continuums allow for youth to be moved to more- or less-restrictive settings as a function of their program performance.

5. Detention alternatives should be culturally competent, relevant, and accessible to the youth they serve. Alternative programs should be culturally relevant and reflective of the youth who will be referred to them. In many urban jurisdictions, children of color constitute the majority of youth placed in secure detention. Effective alternative detention programs should be staffed by people who can best relate to these youth. Whenever possible, programs should be located in the neighborhoods from which the youth come, both for ease of participation and because community context is important to program outcomes. In addition, the special needs of girls should be considered when designing alternative programs.

6. Detention alternatives should be designed and operated on the principle of using the least restrictive alternative possible. Appropriate supervision can be provided while a youth is living at home, attending a day or evening reporting center, or living in an alternative residential placement. The degree of supervision imposed in each case should depend on the assessment of a youth's potential danger to the community and risk that he or she will fail to appear in court. Designing detention alternatives this way encourages a jurisdiction to (1) match the degree of restriction to the risks posed by the youth, (2) increase or decrease restrictiveness according to the youth's performance, and (3) ensure cost-efficiency by "reserving" costly secure detention beds for youth who represent the greatest risk to public safety.

7. Detention alternatives should reduce secure detention and avoid widening the net. The creation of detention alternatives should not inadvertently place more youth under detention supervision and into secure detention than was the case before the change. Widening the net frequently occurs in three ways. First, some youth are placed in alternatives as a diversionary tool or for "treatment" reasons. This can easily occur if the detention alternative is seen primarily as offering needed services (counseling, tutoring, and recreation to youth and not as offering primarily enhanced community supervision. Second, the net may widen if less serious offenders (youth who would not have been considered for secure detention) are placed into alternative programs because screening criteria are too loose. And third, youth correctly placed in an alternative detention program may be frequently cited for minor transgressions, then placed in secure custody, even when other less restrictive corrective actions would work. Some detention alternatives seem designed to catch a youth doing something wrong (e.g., missing a curfew or an appointment). An alternative detention

program's primary objective is not to catch youth in minor infractions. This approach can have the effect of putting more youth into secure detention. Instead, detention alternatives should seek to maximize youth's success while in non-secure alternatives by developing a range of responses to minor disciplinary problems.[1]

[1] http://www.jdaihelpdesk.org/SitePages/jdai-pathways-series.aspx

Detention Regionalization: A Report from the Task Force on Detention Regionalization to the Arizona Judicial Council

Produced and Published by
Arizona Supreme Court
Administrative Office of the Courts ❖ Juvenile Justice Services Division
1501 W. Washington, Suite 337 ❖ Phoenix, Arizona 85007-3231
(602) 452-3443
www.azcourts.gov/jjsd

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