



**COMMISSION ON MINORITIES**

**EQUITABLE TREATMENT OF MINORITY YOUTH**

**IN**

**THE ARIZONA JUVENILE JUSTICE SYSTEM**

*A FOLLOW-UP TO THE 1993 EQUITABLE TREATMENT REPORT*

**2002**

On behalf of the Juvenile Services Subcommittee of the Supreme Court Commission on Minorities and the Ad Hoc Committee, I am pleased to forward to the Commission and the Chief Justice this report card on minority youth over-representation in the State of Arizona. It represents an update and evaluation of years of work among diverse public and private agencies addressing vexingly complex problems with varying levels of success.

Not quite ten years ago the original study was done and, like similar “studies” and “evaluations,” it was professionally prepared, presented, debated, and forgotten. However, while the study may have been forgotten, many of its recommendations and the spirit of the document lived on in new programs, policies and, perhaps most importantly, continued attention at the highest levels of state government to the fact minority youth over-representation was, indeed, a problem to begin with. Of all the information presented in this report card, this is the most encouraging for me: there is ongoing acknowledgment our minority youth need help and in incremental steps, things can change for the better. Studies come and go, attentions shift from crisis to crisis from fiscal year to the next, but underlying these changes appears to be a constancy that over representation is considered a problem across agencies and positive progress is being made. That is the hopeful part.

But I strongly urge all who read this to not mistake direction for destination. They aren’t the same and we haven’t arrived yet, not by a long shot. Significant problems remain and, as you will see in some areas, things have actually gotten worse. Perhaps the best way to put this is that the upward spiral of over-representation appears to have stopped-except in a couple troubling areas - but solid downward trends remain to be realized.

I trust the information here will serve as a basis for comparison and evaluation. I also trust it will spur more debate and keep the issues raised during that process in agency and governmental awareness for several more years. I hope that awareness, in turn, will become the future programs, policies, and initiatives that will remain long after this document, too, is shelved and forgotten.

In closing, I want to sincerely thank all who took part in the preparation of this report card and whose names follow. The work is admirable, important, and relevant; it could not have been done without them.

Respectfully Submitted,

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## Executive Summary

### Juvenile Minority Over-Representation: Progress Made, Progress Needed

Over-representation occurs when a larger proportion of a particular group is present at various stages within the juvenile justice system (such as intake, detention and adjudication) than would be expected, based on their proportion in the general population.

In 1993, the Arizona Juvenile Justice Advisory Council<sup>1</sup> published *The Equitable Treatment Of Minority Youth: A Report On The Over-Representation Of Minority Youth In Arizona's Juvenile Justice System*.<sup>2</sup> This report used 1990 census data to examine the extent to which race and ethnicity influence decision-making (over-representation of minority youth) within the juvenile justice system.

Since publication of the initial findings in 1993, the Commission on Minorities (COM) has sponsored, undertaken, or coordinated a number of activities to address the problem of over-representation. As part of its work, the COM established an ad hoc subcommittee to assess the progress made from 1990 to 2000 in the area of minority representation in Arizona's juvenile justice system.

This report details the subcommittee's findings. Its purpose is to assess progress by comparing data from 1990 to 2000 and to offer recommendations for change. It represents a snapshot of the juvenile justice population following specific decision points and provides comparisons based on rates per 1000 youth for each juvenile justice system stage. The stages of the system are:

- Referrals
- Detention
- Probation
- Commitment
- Adult Prosecution (Juveniles Prosecuted in Adult Court)

This report provides data that allows policy makers and others to assess change between the earlier research and current reality. It represents a starting point; and is not based on rigorous research - the intent is not to replicate the 1993 study and, as such, excludes much of the multivariate analysis conducted in 1993.

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<sup>1</sup> Arizona Governor Fife Symington Executive Order 97-6, dated June 26, 1996, created the Arizona Juvenile Justice Commission within the Governor's Division for Children. The corresponding responsibilities of the *Juvenile Justice Advisory Council* were transferred to the Juvenile Justice Commission.

<sup>2</sup> *Equitable Treatment of Minority Youth: A Report on the Over-Representation of Minority Youth in Arizona's Juvenile Justice System*. Published by the Arizona Juvenile Justice Advisory Council, Minority Youth Issues Committee. Dr. P. Bortner, et al, July 1993. This report examined the extent to which race and ethnicity influence decision making within the juvenile justice system and to examine the extent to which these factors influence tie interactions between youth, parents, community members and individuals working with in the juvenile justice system.

Further, readers must recognize that the demographics for the juvenile population shifted dramatically between 1990 and 2000.<sup>3</sup> For example, the estimated Anglo youth population in Maricopa and Pima Counties increased by about 7%. At the same time the aggregate minority youth population nearly doubled. Also, during the last ten years several significant changes have been made in juvenile court rules and Arizona law. Most noteworthy is Proposition 102, which radically altered the juvenile justice system. With these changes in mind, the following summarizes some of the findings.

### Quantitative Summary

In 1990, minority youth were likely to have less favorable outcomes than Anglo youth that commit comparable offenses<sup>4</sup>. In 2000, using reported data and a comprehensive qualitative process - where key stakeholders were interviewed and focus group sessions were held with individuals actively involved in the juvenile justice system - there is substantive agreement that minority youth are still over-represented when compared to their Anglo counterparts for comparable offenses.

The quantitative data demonstrates some improvement but the problem of over-representation still exists. Minority youth are still more likely to be referred to juvenile court, be detained, and face trial in adult court than are Anglo youth. A graphical review of the changes between 1990 and 2000 for each minority youth, by category, for Maricopa and Pima Counties is included at the end of this summary.

Regarding the prosecution of juveniles in adult court, major and significant changes occurred in Arizona during the 1990s. In particular, Proposition 102 was passed in 1996 with subsequent enabling legislation (SB 1446) enacted in 1997. This bill mandated the direct filing to adult court of juveniles 15 years and older who commit the following offenses: murder, rape, forcible sexual assault, armed robbery, drive-by shootings, shooting at an occupied structure, and aggravated assault that causes serious physical injury. As enacted, Senate Bill 1446 allows the prosecution to decide which juveniles age 14 and older to prosecute in adult court. The result significantly expands the category of children who are subject to direct filing. Juvenile court judges, however, continue to decide whether to transfer younger suspects or those charged with lesser offenses.

So, who is better off - who is not?

- For Referrals (Table R6) to the juvenile justice system, the rates decreased for Hispanic, African American and Native American youth (except in Pima county) in 2000 compared to 1990. Even with these improvements **nearly one in every twelve Hispanic youth, nearly one in every six African American youth and nearly one in every nine Native American youth in Maricopa County are referred to the juvenile justice system.** These numbers have added significance because all charges and subsequent juvenile justice system activity stem from a referral.

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<sup>3</sup> U. S. Census data

<sup>4</sup> Equitable Treatment of Minority Youth: A Report on the Over-Representation of Minority Youth in Arizona's Juvenile Justice System.

- At the Detention stage (Table D15), again, the rates decreased in both Maricopa and Pima County, except for Native American youth in Maricopa County. *The rate for Native American youth went up in 2000 compared to 1990.*
- At Probation (Table P24), changes are less promising. There is improvement for Hispanic youth in Maricopa County. The reverse is true for Hispanic youth in Pima County. Rates for African American youth are lower in both Counties. *Native American youth continue to experience a high probation rate*, especially in Maricopa County.
- Regarding commitments to the Department of Juvenile Corrections, there have been obvious reductions in the Commitment (Table C33) rates among all minority youth populations. However, significant differences in the rates of commitment remain. *For example, in 2000, Hispanic and Native American youth in Maricopa County are twice as likely to be committed to the ADJC and African American youth are three times more likely to be committed than are Anglo youth. In Pima County, similar disparities exist.*
- Prosecution in adult court (Table T42) by direct file, or *transfer from juvenile court, is where the most troubling data are to be found.* Dramatic increases are seen among Hispanic, Native American, and African American youth in Pima County. African American youth in Maricopa County show an encouraging trend - a reduction in the rate of prosecution from 1990 to 2000. This is the point on the continuum where data on comparable offenses would be illuminating.

### Qualitative Summary

A total of twelve interviews and five focus group sessions were conducted, resulting in input from 62 individuals. Participants were identified by the Administrative Office of the Courts (AOC) from the following organizations/government agencies:

- Administrative Office of the Courts
- Arizona Department of Juvenile Corrections
- Maricopa County Juvenile Court Center
- Pima County Juvenile Court Center
- Community-based agencies
- Commission/Board members

An overarching theme is the perceived lack of meaningful progress. Many of the participants did not see that much had changed, other than awareness. Most thought that more culturally competent services were available, but that minority youth and families continue having problems accessing these providers. Several respondents reported that although they may have contracts to provide services to minority youth, they do not get the referrals. Although a contract might be in effect, lack of referrals means that no revenues are generated. It also raises questions about where, if at all, these children are being served.

The issue of accountability generated numerous comments. Funding agencies report a problem sustaining programs, indicating that some minority providers are unable to meet contract requirements over an extended period of time. Although technical assistance has been provided to agencies to meet administrative requirements, problems reportedly continue. Funding agencies also cite both clinical and programmatic competence as elements of accountability. These elements give agencies a yardstick to use in maintaining the same level of accountability for all providers.

Conversely, providers see the contracting process as politicized, with numerous organizations unwilling to relinquish funding that has been in place for years. Providers also called for accountability by the system. These providers feel that some programs continue to be funded even though their results and efficacy are questionable, and that there is no system consequence for disproportionate minority confinement. Numerous providers saw litigation as the only recourse to change this perceived lack of system accountability.

There was a constant reference to the continued use of an Anglo-based middle class treatment model by numerous focus group participants. This was seen as particularly true for Latino clients. If Latinos go to a counselor who they perceive lacks understanding of and/or appreciation for their culture, they are not likely to utilize these services.

Respondents considered bias in assessment as a problem. Several respondents indicated that minority youth score high on the juvenile detention index. This index is the tool used to arrive at the score that determines if a youth should be detained. Using this index, screening is done when the youth is brought to a detention center and may result in an increased chance of detention. The score reportedly increases if transportation is lacking, there is evidence of poverty, lack of education, or parents who are not available or unreachable. The risk assessment instrument records seriousness of the presenting charge, prior history, legal status, and both mitigating and aggravating factors - such as specific threat/injury to person, aggressiveness of offense, and possession of a weapon. The availability of comparable offense data would assist researchers in determining if it is the offense or the risk assessment instrument that most influences the detention decision.

Community Justice Centers (CJC) and Boards are part of the improvement seen, and in Maricopa County, 350 volunteers serve on boards. Data indicate a significant difference when juveniles appear before the CJC. The respondents believed the Boards become invested in youth, and advocate for more services. Many felt that services are available that are culturally competent and appropriate for minority youth and families but, generally, are not competent in dealing with delinquents.

Respondents report that recruitment of minority agencies and treatment staff has increased. There were also numerous reports of pay bonuses for bilingual employees. Despite these efforts, the resource pool of available treatment staff seems to be diminishing. Providers report an inability of staff to meet the treatment needs, particularly in specialty areas of therapy for victims of sexual abuse as well as for sexual offenders.

Clearly the participants in the focus groups and interviews hold a strong, collective vision about the need to ensure equity in the juvenile justice system. They also share common ground in their belief that although progress has been made, problems remain. Some are frustrated, and believe that we should be done talking about the problem and the system should be showing more improvement. However, those who expressed anger and frustration joined with others in providing recommendations to promote the equitable treatment of minority youth.

### Recommendations

- Encourage and promote collaboration among the state agencies and organizations directly involved with the juvenile justice system, including the Arizona Juvenile Justice Commission, the Department of Juvenile Corrections, and other interested agencies.
  - Actively engage the Minority Youth Issues Committee of the Juvenile Justice Commission to further study the issues identified in this report.
  - Collaborate with school systems to identify barriers that impact school attendance and achievement as it relates to ethnicity and race.
- Develop an annual “Report Card” with specific benchmarks for success each year. The first report card should establish target rates and prioritize areas for improvement. This report card should include the following benchmarks:
  - The numbers of minority youth in the five areas (referrals, detention, probation, commitments, transfer) of the justice system.
  - Identify immediate steps that can be taken to reduce any negative changes identified in benchmark comparisons.
- Review detention assessment instruments and identify those variables that increase detention of minority youth in the adult criminal system.
  - Review detention index used to detain children in the juvenile detention facilities.
  - Review bail guidelines used by adult criminal system to set bail for children in the adult court.
- Address the Administrative, Staff training, Provider Services and Staffing issues identified in the various focus groups by developing programs that:
  - Increase the number of service providers in areas where minority youth referred to the juvenile justice system reside (services).
  - Analyze policies that impact the number of minority youth in the juvenile justice system (administrative).

- Conduct forums with community members to collect their perception of changes in the system since 1993 (administrative).
  - Increase the number of service provider staff trained in culturally competent curriculums that are relevant and experiential (training).
  - Develop training programs specific to cultural competence that are relevant and experiential (training).
  - Increase the number of minorities that remain in the helping professions or enter the helping professions after high school or college (staffing).
  - Develop a plan to recruit and engage minority students in high school or community colleges to enter and remain in the helping professions (staffing).
- Identify and support the development and expansion of programs that work. These programs include:
- Building Blocks Initiative that promotes rational and effective justice policies.
  - Culturally appropriate family-centered wrap-around programs.
  - Culturally appropriate blueprint programs such as Functional Family Therapy.
  - Community based natural support systems.
  - National and private sector strategies that address cultural competency in the workforce.
  - Develop, support, and maintain model programs and program interventions, which have the potential to increase effective services and decrease over-representation.

In all, there are key conclusions found throughout the quantitative and qualitative data which indicate that:

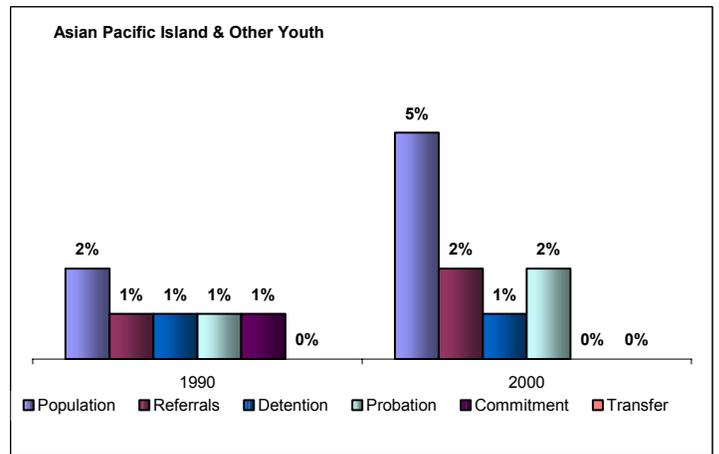
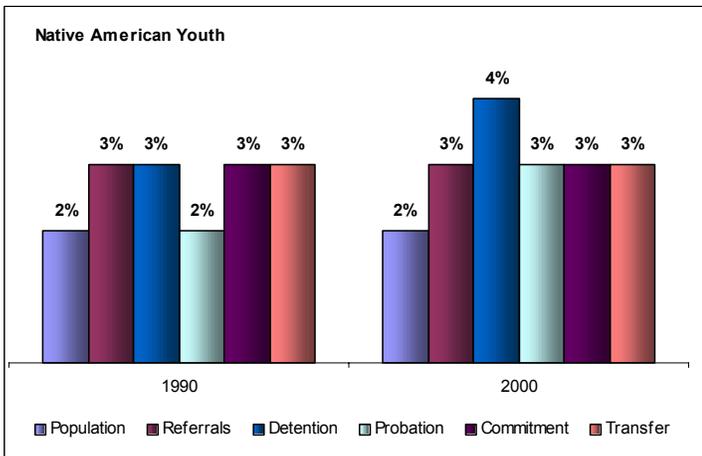
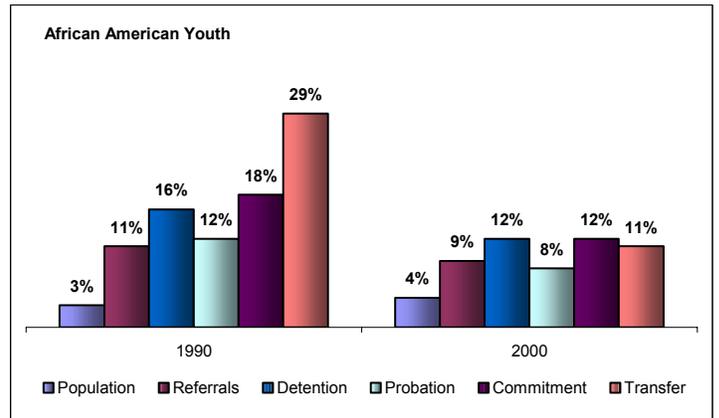
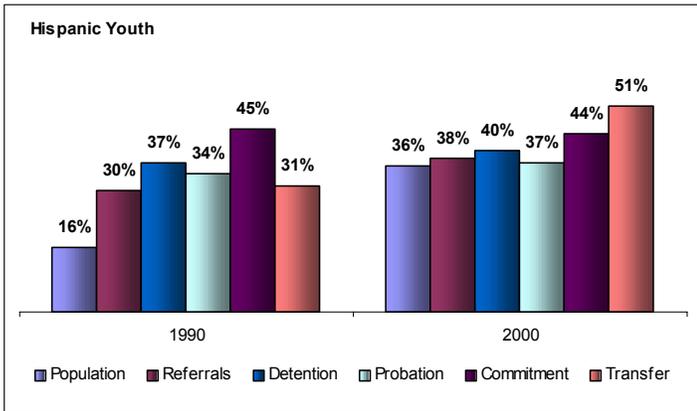
- If minority youth over-representation is identified as a problem, things can be done to improve the situation. It is neither hopeless, nor useless, nor too complicated to effectively change.
- Things are better, but "better" is not to be confused with "good". This means minority youth are still over-represented, in some cases by several times their representation in the general community. What is better is that those rates have reduced from even higher rates of over-representation in many areas.

- There are policies, programs, and methods that work. Support and encouragement for these to continue and expand is critical.
- Coordination among private and public agencies in the state that work with the juvenile justice system is critical. A coherent and coordinated strategy should be developed among these groups to share resources and responsibilities in an ongoing, collaborative fashion.
- There is the need for ongoing evaluation and assessment. Regular "report cards" and similar evaluative tools should be continued to assess progress and keep the issues in public awareness.

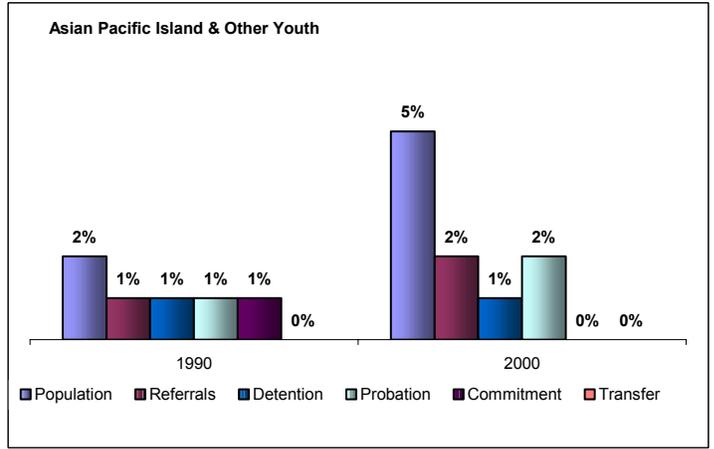
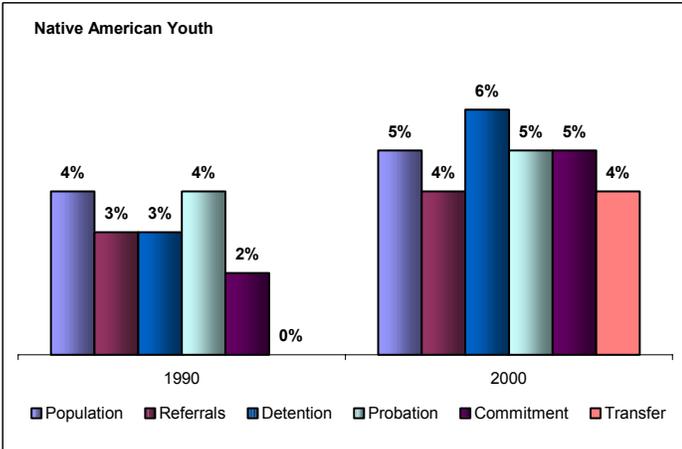
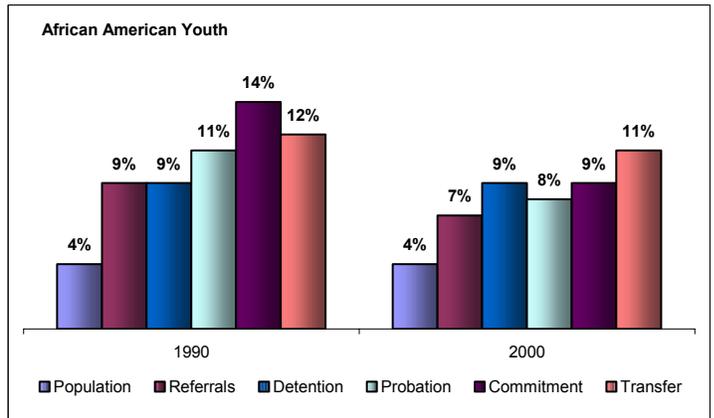
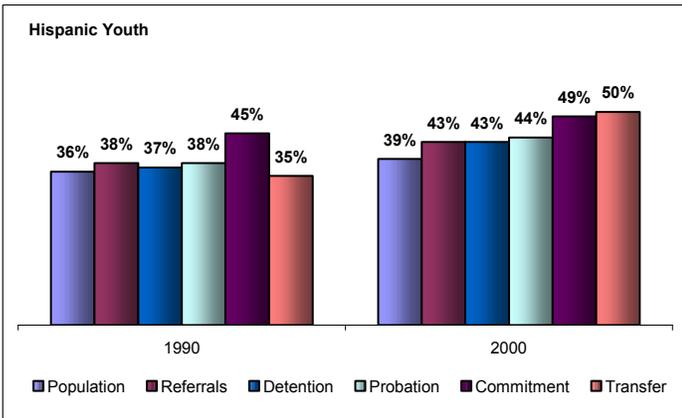
We should not give up. There can be positive change and it can continue.

Lastly, we would like to extend a special thanks to the numerous individuals and organizations that assisted in preparing this report. Without them, this project could not have been completed.

## Maricopa County Comparisons



### Pima County Comparisons



## **Introduction**

The Chief Justice of the Arizona Supreme Court established the Commission on Minorities in the Judicial Department in 1990. One of the Commission's objectives is to coordinate with public and private sector programs seeking to address the problems created by over representation of minority youth in the juvenile justice system. In this spirit of cooperation, the Commission on Minorities has sponsored or undertaken numerous activities since 1993, when the Arizona Juvenile Justice Advisory Council<sup>5</sup> published the *Equitable Treatment of Minority Youth: A Report on the Overrepresentation of Minority Youth in Arizona's Juvenile Justice System*.

In its continuing role, the Commission on Minorities recognizes the need to evaluate progress made in the over representation of minority youth in Arizona's juvenile justice system. In 2000, the Commission on Minorities established an ad hoc committee to update the findings of the 1993 Equitable Treatment Report. This follow-up report details the subcommittee's findings as derived from quantitative and qualitative data collected from both Pima and Maricopa Counties.

## **Legislative Impact**

Since the 1993 Equitable Treatment Report, significant changes to juvenile delinquency laws have occurred - impacting the way that juveniles are processed through the justice system. In general, there has been a toughening up of laws that respond to less serious offenses like truancy, curfew, possession of tobacco and alcohol. Some are now classified as misdemeanors instead of status offenses. These legislative and rule changes should to be considered when reviewing this report. Some legislative highlights follow.

## **Commission on Juvenile Justice**

The Commission on Juvenile Justice in Arizona was formed in 1993 by then Chief Justice Stanley G. Feldman<sup>6</sup>. This advisory committee was formed to assess problems confronting the juvenile justice system, provide recommendations on ways to make the system more effective in responding to the problems facing Arizona youth, families and communities and recommend improvements. The "Report of The Commission on Juvenile Justice" recommended dramatic changes to the juvenile justice system to better protect society while delivering a continuum of effective treatment to delinquent juveniles and those at risk of delinquency. Many of the commission's recommendations were the basis for the 1994 Juvenile Justice Omnibus bill.

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<sup>5</sup> See footnote 1.

<sup>6</sup> Arizona Judicial Council Commission on Juvenile Justice in Arizona was established by Supreme Court of Arizona, Administrative Order 93-27, June 1, 1993

## **1994 Juvenile Justice Omnibus Bill and Subsequent Rule Changes:**

### Commitment Guidelines

The Juvenile Justice Omnibus Bill required the development of guidelines to be used to determine which children should and which should not be committed to the Department of Juvenile Corrections. The effective date of the guidelines was October 1, 1995.

### Length of Stay Guidelines

Also included in the Omnibus Bill was a requirement that guidelines be developed for how long a juvenile should stay at the Department of Juvenile Corrections (ADJC). In addition, the bill allowed the court to impose a minimum stay at the department, which required the ADJC to keep the juvenile until, at least, the imposed minimum time was served.

### Presumptive Transfer

The Rules of Procedure for the Juvenile Court were changed for the transfer process. The changes specified the circumstances under which a presumption is made that a child will be transferred to adult court, provided there is a proven preponderance of evidence to warrant transfer.

### Deferred Transfer

This rule change allowed the court to delay the decision on transfer and thereby allowed the child an opportunity to demonstrate (on a probation-like status) that transfer was not necessary.

## **1995 Victim's Rights**

Numerous changes to the practice of juvenile law resulted from the adoption of victim's rights legislation. The most significant change required that victims be notified of court hearings and be allowed a voice at every stage of the proceeding. Mandated discussions with the victim about offers to resolve cases impacted the resolution of some cases.

## **1996 Competency to Stand Trial**

Patterned after the adult competency to stand trial statutes passed in 1995 juvenile competency to stand trial legislation required that a juvenile be able to understand the proceedings and assist counsel before the case could proceed. Statutory procedures were created to allow mental health expert evaluation of juveniles to determine competency. Provisions for restoration services were also included in these statutes.

## **Proposition 102**

This ballot initiative passed in the November 1996 election. The proposition amended the Arizona Constitution to allow prosecution in adult court any juvenile 15 years and older who is accused of certain offenses. These offenses are any class 1 or 2 felony and any class 3 felony with some exceptions. Other provisions included definitions for “other violent offenses”, “chronic felony offender” and “forcible sexual assault”, codifying transfer procedures, shifting diversion to the sole discretion of the county attorney and amending the process for expunging and destroying juvenile records.

## **1997 Senate Bill 1446**

The implementation legislation for Proposition 102 made dramatic changes to the juvenile and adult criminal practices of law. Added by statute were the provisions that the prosecutor could choose to file in adult criminal court on a child 14 or older if they believed the child committed any class 1 or 2 felony, any class 3 felony with some exceptions. e.g. theft and some drug offenses and any class 3, 4, 5, or 6 felony if it involved intentional or knowing infliction of serious physical injury or the discharge, use, or threatening exhibition of a deadly weapon or dangerous instrument. Other violent offenses, chronic felony offender and forcible sexual assault were defined in the implementation legislation. Transfer procedures were codified in this package. Diversion became the sole discretion of the county attorney. The process to expunge and destroy juvenile records was also amended. Additionally, as a result of this bill juvenile hearings and records were opened for the first time in Arizona.

## **Quantitative Update**

Overrepresentation refers to a situation in which a larger proportion of a particular group is present at various stages within the juvenile justice system (such as intake, detention, adjudication, and disposition) than would be expected based on their proportion in the general population. This update on the 1993 data is based on rates/1000 youth in each ethnic group for the following stages of the juvenile justice system<sup>7</sup>:

- Referrals
- Detention
- Probation
- Commitment
- Adult Prosecution (Transfer to Adult Court)

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<sup>7</sup> For an understanding of each of these stages, refer the flow chart at Appendix A.

<sup>8</sup> These figures represent the juvenile population for Maricopa and Pima counties and are interpolated from 2000 census data, using the ethnic breakdown for the population under age 18 then estimating that each age-year was equal to each other age-year in terms of population and ethnicity.

## Juvenile Population

During the period between the 1990 and the 2000 census, the Hispanic population of Maricopa County more than doubled - from 16% to 36%. During this time period the Hispanic population of Pima County increased from 36% to 39% of the total youth population. The populations of other ethnic groups increased slightly.

**Table 1 Estimated Juvenile Population - Youth 8 to 17 years old<sup>8</sup>**

	Maricopa County				Pima County			
	1990		2000		1990		2000	
	Population		Population		Population		Population	
Anglo	228,824	77%	244,810	53%	37,457	55%	61,404	46%
Hispanic	48,292	16%	165,016	36%	24,717	36%	52,624	39%
African Amer	9,902	3%	19,623	4%	2,508	4%	4,727	4%
Native Amer	4,510	2%	8,548	2%	2,649	4%	6,153	5%
Asian/Pacific I.*	4,751	2%	9,037	2%				
Other	338	<1%	12,968	3%	1,159	2%	8,917	7%
TOTAL	296,617	100%	460,002	100%	68,490	100%	133,825	100%

*\*Excludes Pima County data for Asian Pacific Islanders, which are included in "Other"*

The charts presented for each point on the juvenile justice continuum depict a comparison of rates/1000 youth from 1990 and 2000 along with a percent increase/decrease in these rates for the decade. Another set of charts shows the change using the percent in the youth population for comparison. These frequencies are the most commonly cited in the literature on overrepresentation of minority youth and the most easily understood. Subjecting the data to more rigorous analysis lends more precision to the interpretations. Pima County conducted such analyses for this update. That report can be found in the Appendix B.

## Referral

Referrals are received from a variety of sources including law enforcement, schools, parents, and the public but the majority of referrals come from law enforcement. The charts that follow show the raw numbers, percentages, and rates for referral for Maricopa and Pima Counties for 1990 and 2000.

Since all charges stem from referrals it is significant to note that the number of referrals per 1,000 youth in each minority group decreased during the period between 1990 and 2000. There is, however, still over-representation of Hispanic, African American, and Native American youth when compared with their presence in the youth population for both Maricopa and Pima Counties. In Maricopa County, nearly one in every twelve Hispanic youth, nearly one in every nine Native American youth and nearly one in every six African American youth are referred to the juvenile justice system.

Conversely, in Maricopa County in 1990, Anglos represent a significantly smaller proportion of the referred population when compared with their representation in the youth population - 77% vs. 56% of referrals. The data for Anglo youth in 2000 show some change towards more equitable numbers - 53% vs. 49% - within Maricopa County.

**Table R2 Referral Rates - Maricopa County 1990 and 2000**

	Maricopa County 1990				Maricopa County 2000			
	Number/Percent	Population	Rate/1000		Number/Percent	Population	Rate/1000	
Anglo	16,179 (56%)	228,824	70.7		17,752 (49%)	244,810	72.5	
Hispanic	8,767 (30%)	48,292	181.5		13,607 (38%)	165,016	82.5	
African Am	3,100 (11%)	9,902	313.1		3,086 (9%)	19,623	157.3	
Native Am	848 (3%)	4,501	188.0		951 (3%)	8,548	111.3	
Asian/Pac I.	157 (1%)	4,751	33.0		176 (<1%)	9,037	19.5	
Other	73 (<1%)	338	216.0		430 (1%)	12,968	33.2	
TOTAL	29,124	296,617	190.9		36,002	460,002	77.6	
<b>Overall</b>	12,945	67,784	191.0		18,250	215,192	84.8	
<b>Minority</b>								
<b>Maricopa County Minority Youth Referral Rate Change 1990 - 2000</b>								<b>Decreased 56%</b>

Similar to Maricopa County, between 1990 and 2000 there was a decrease in referrals in Pima County for Hispanic youth and African American youth. The referral rate per 1,000 Native American youth remained unchanged.

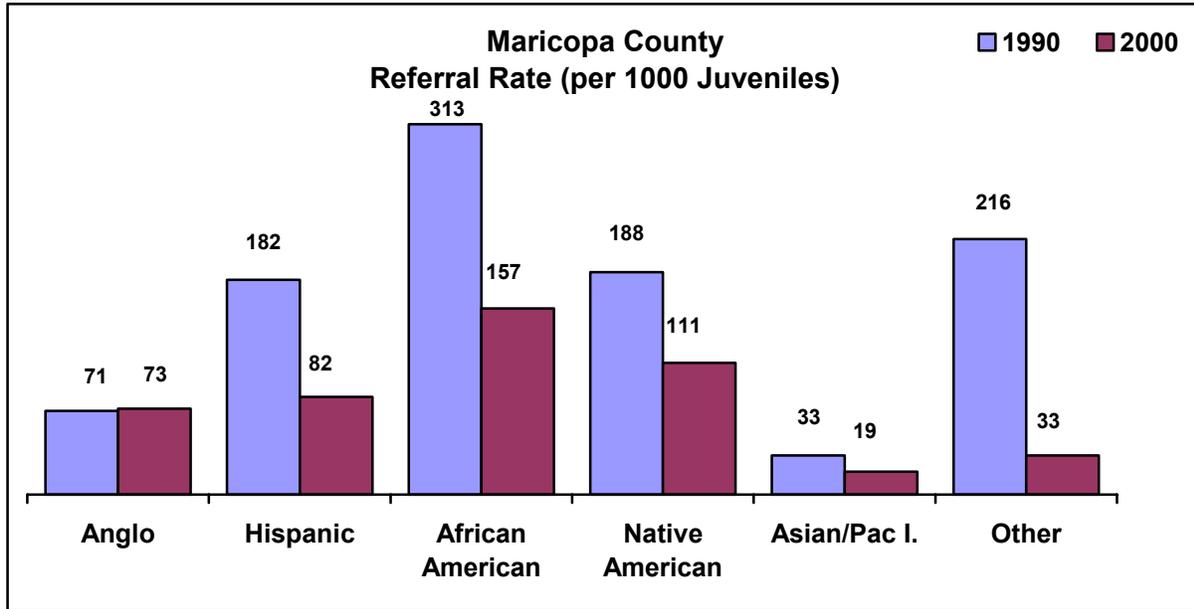
**Table R3 Referral Rates - Pima County 1990 and 2000**

	Pima County 1990				Pima County 2000			
	Number/Percent	Population	Rate/1000		Number/Percent	Population	Rate/1000	
Anglo	3,422 (50%)	37,457	91.4		4,103 (43%)	61,404	66.8	
Hispanic	2,449 (36%)	24,717	99.1		4,078 (43%)	52,624	77.5	
African Am	499 (7%)	2,508	199.0		708 (7%)	4,727	149.8	
Native Am	163 (2%)	2,649	61.5		379 (4%)	6,153	61.6	
Asian/Pac I.	*				*			
Other	269 (4%)	1,159	232.1		245 (3%)	8,917	27.5	
TOTAL	6,802	68,490	116.4		9,513	133,825	74.7	
<b>Overall</b>	3,380	31,033	108.9		5,410	72,421	74.7	
<b>Minority</b>								
<b>Pima County Minority Youth Referral Rate Change 1990 - 2000</b>								<b>Decreased 31%</b>

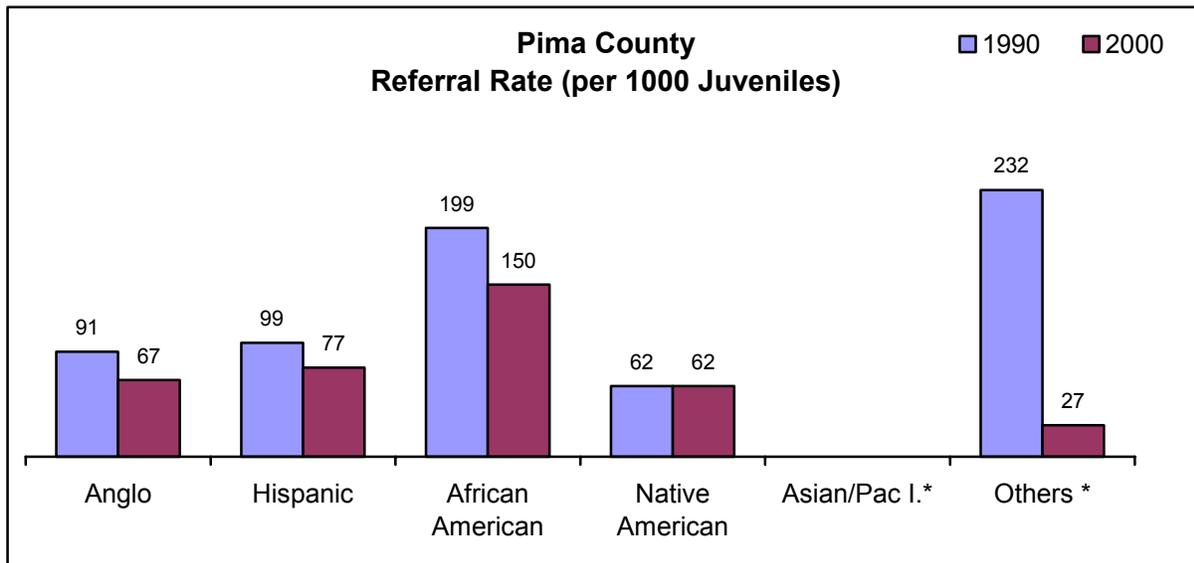
\*Excludes Pima County data for Asian Pacific Islanders, which are included in "Other"

### Chart R4 Referral Rates for Juvenile Population-Maricopa County

In addition to the referral rates above, the following two charts graphically show the comparative change in the number of youth referred by Maricopa and Pima counties for 1990 vs 2000.



### Chart R5 Referral Rates for Juvenile Population-Pima County



*\*Excludes Pima County data for Asian Pacific Islanders, which are included in "Other"*

## Change in Referral Rates 1990 - 2000

There has been a relative decrease in the referral rates for minority youth in both Maricopa and Pima counties. The table below shows the percent change, by group, in referrals to the juvenile justice system. Between 1990 and 2000 the rate of referral increased for Anglo youth and decreased significantly for all minority groups in Maricopa County.

**Table R6 Change in Referral Rates 1990 - 2000**

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	Amount Increase/Decrease 1990-2000	
	Maricopa County	Pima County
Anglo	+ 3%	-26%
Hispanic	- 55%	-22%
African Am	- 50%	-25%
Native Am	- 41%	+0.2%
Asian/Pac I.*	- 41%	
Other	- 85%	-88%

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*\*Excludes Pima County data for Asian Pacific Islanders, which are included in "Other"*

## Expected vs Actual Percentage

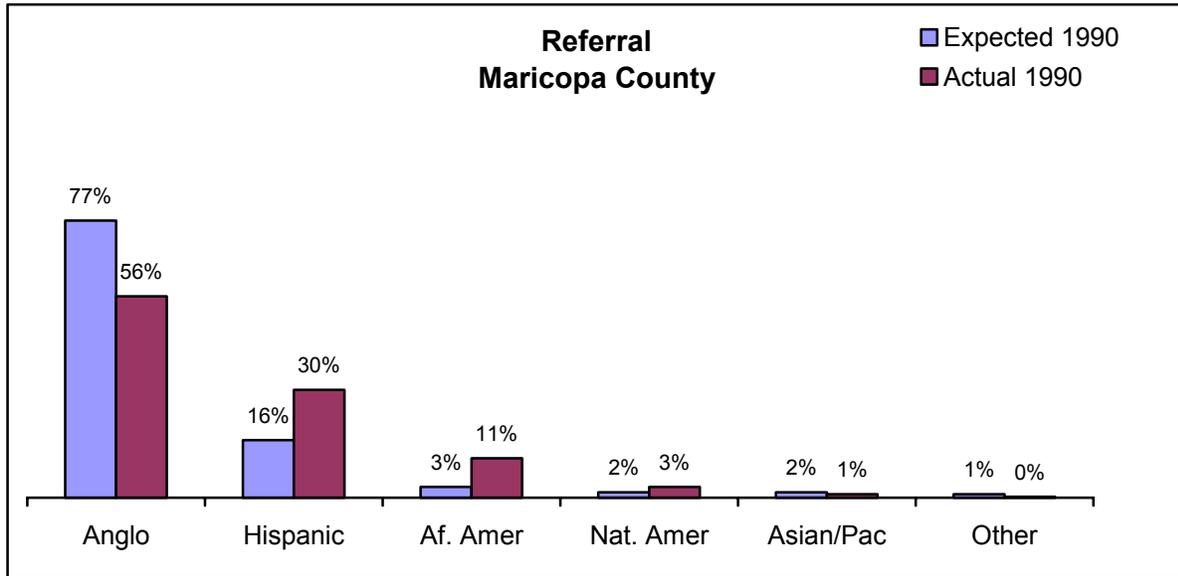
The following charts illustrate *expected versus actual referral* percentages in 1990 and in 2000 and are used to show the differences between the percent of juveniles, represented within the overall population (by category), versus the percent who are referred into the juvenile justice system.

The 1990 and 2000 *actual versus expected* percentage charts in this section, and in all other sections, demonstrate that although Anglo youth continue to receive a comparatively smaller ratio of activity than their representation in the overall population, the numbers are improving so that there is, generally, less over-representation of minority youth groups.

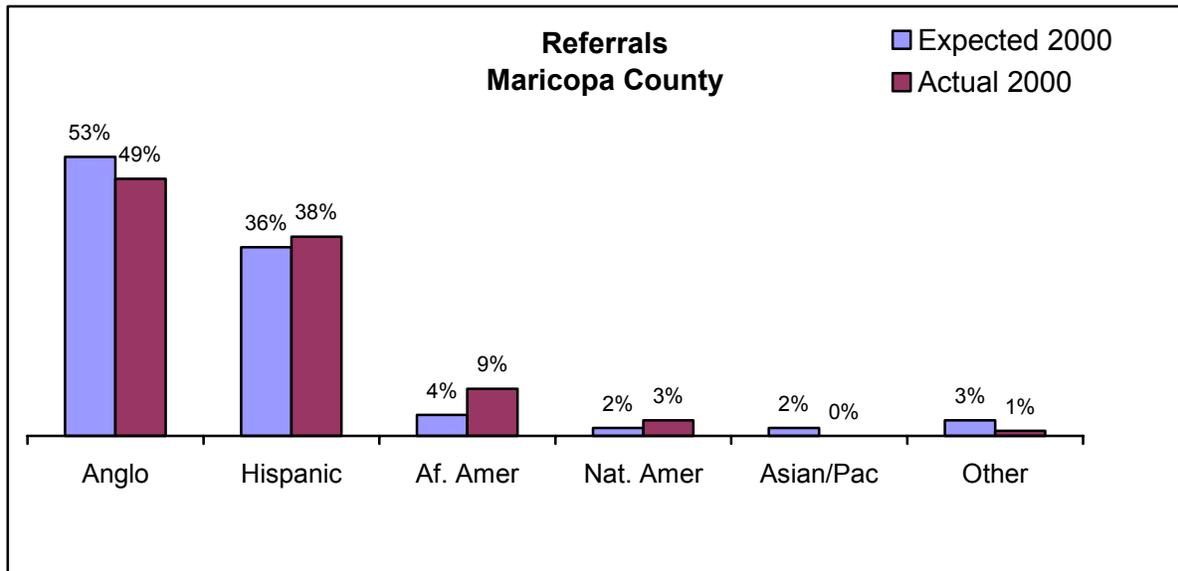
Note that the 1990 actual percent was nearly twice the expected percent for Hispanic youth and nearly three times the expected percent for African American youth.

**Table R7 Expected vs. Actual Referrals 1990 - Maricopa County**

In contrast to 1990, in 2000 the actual percent for Hispanic youth in Maricopa County is only slightly higher (5%) than the expected percent. The percent for African American youth is still significantly higher, over twice the expected percent.

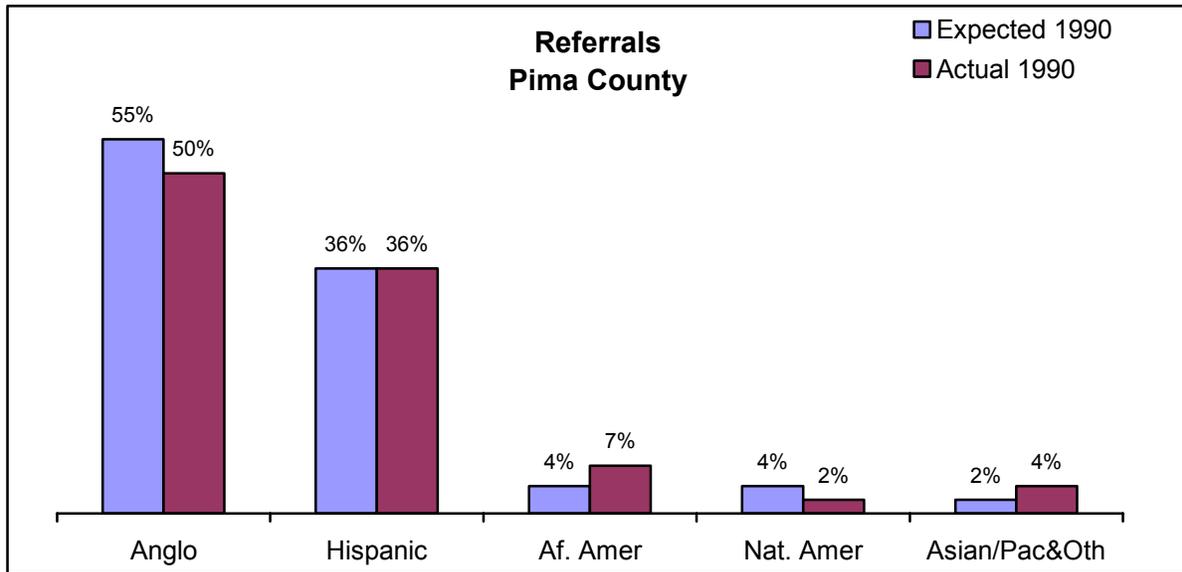


**Table R8 Expected vs. Actual Referrals 2000 - Maricopa County**

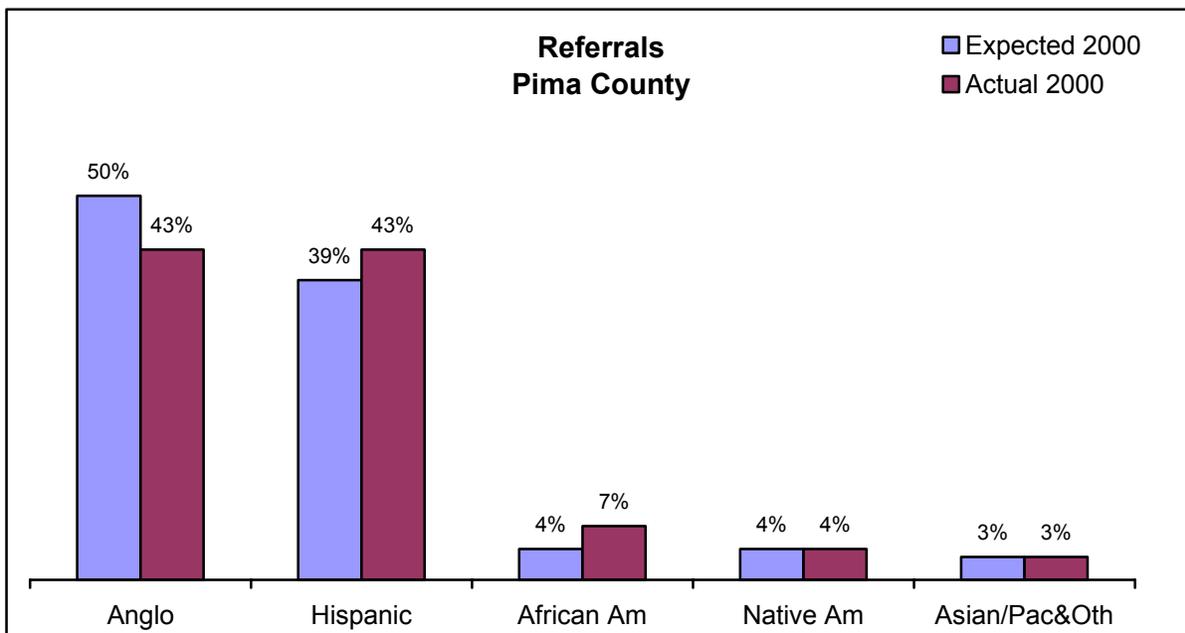


**Table R9 Expected vs. Actual Referrals 1990 - Pima County**

In Pima County, the proportion of actual referrals for Hispanic and Native American youth increased from 1990 to 2000.



**Table R10 Expected vs Actual Referrals 2000 - Pima County**



## **Detention**

The decision to detain a youth is based on a review of his or her charge(s), history, aggravating factors, and a determination as to whether or not the youth is a danger to self or the community. A Juvenile Court Judicial Officer reviews the decision to detain within 24 hours after it is made.

Since 1990 both Maricopa and Pima County have increased the number of detention beds. In Maricopa County, the Juvenile Probation Department manages and operates two detention facilities: a 149-bed facility located at 3125 West Durango in Phoenix and a 128-bed facility located at 1810 South Lewis in Mesa. The Pima County facility, located on Ajo Way, has a capacity of 306 beds.

In Maricopa County, the gap between the expected and actual percentage of Anglos detained was dramatically narrowed between 1990 and 2000. While the precise cause for this improvement is unknown, several persons interviewed for the qualitative update referenced the imposition of the zero tolerance for violence on school property program as a key factor.

In both Maricopa and Pima Counties, improvement in detention rates is noted for minority youth. The exception is Hispanic youth in Pima County. Overall the data shows that, still, Anglo youth are statistically less likely to be detained than Hispanic, African American and Native American youth.

**Table D11 Detention Rates - Maricopa County 1990 and 2000**

	Maricopa County 1990				Maricopa County 2000			
	Number/Percent	Population	Rate/1000		Number/Percent	Population	Rate/1000	
Anglo	2,268 (43%)	228,824	9.9		4,413 (43%)	244,810	18.0	
Hispanic	1,988 (37%)	48,292	41.2		4,053 (40%)	165,016	24.6	
African Am	847 (16%)	9,902	85.5		1192 (12%)	19,623	60.8	
Native Am	175 (3%)	4,501	38.8		389 (4%)	8,548	45.5	
Asian/Pac I.	26 (0.5%)	4,751	5.5		43 (0.4%)	9,037	4.8	
Other	10 (0.2%)	338	29.6		68 (1%)	12,968	5.2	
TOTAL	5,314	296,617	90.9		10,158	460,002	77.6	
<b>Overall Minority</b>	3,046	67,784	44.9		5,745	215,192	26.7	

**Maricopa County Minority Youth Detention Rate Change 1990 - 2000**

**Decreased 41%**

**Table D12 Detention Rates - Pima County 1990 and 2000**

	Pima County 1990				Pima County 2000			
	Number/Percent	Population	Rate/1000		Number/Percent	Population	Rate/1000	
Anglo	1,217 (49%)	37,457	32.5		1,287 (41%)	61,404	21.0	
Hispanic	915 (37%)	24,717	37.0		1,327 (43%)	52,624	25.0	
African Am	230 (9%)	2,508	91.7		281 (9%)	4,727	59.4	
Native Am	82 (3%)	2,649	31.0		178 (6%)	6,153	28.9	
Asian/Pac I.								
Other	38 (2%)	1,159	32.8		40 (1%)	8,917	4.5	
TOTAL	2,482	68,490	116.4		3,113	133,825	74.7	
<b>Overall Minority</b>	1,265	31,033	40.8		1,826	72,421	25.2	

**Pima County Minority Youth Detention Rate Change 1990 - 2000**

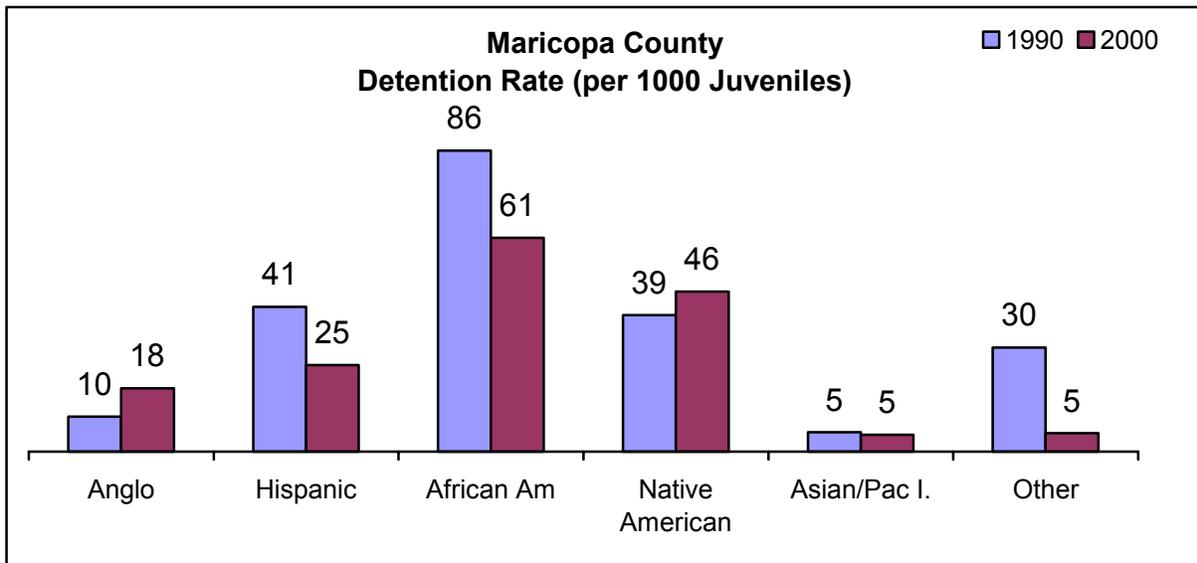
**Decreased 38%**

*\*Excludes Pima County data for Asian Pacific Islanders, which are included in "Other"*

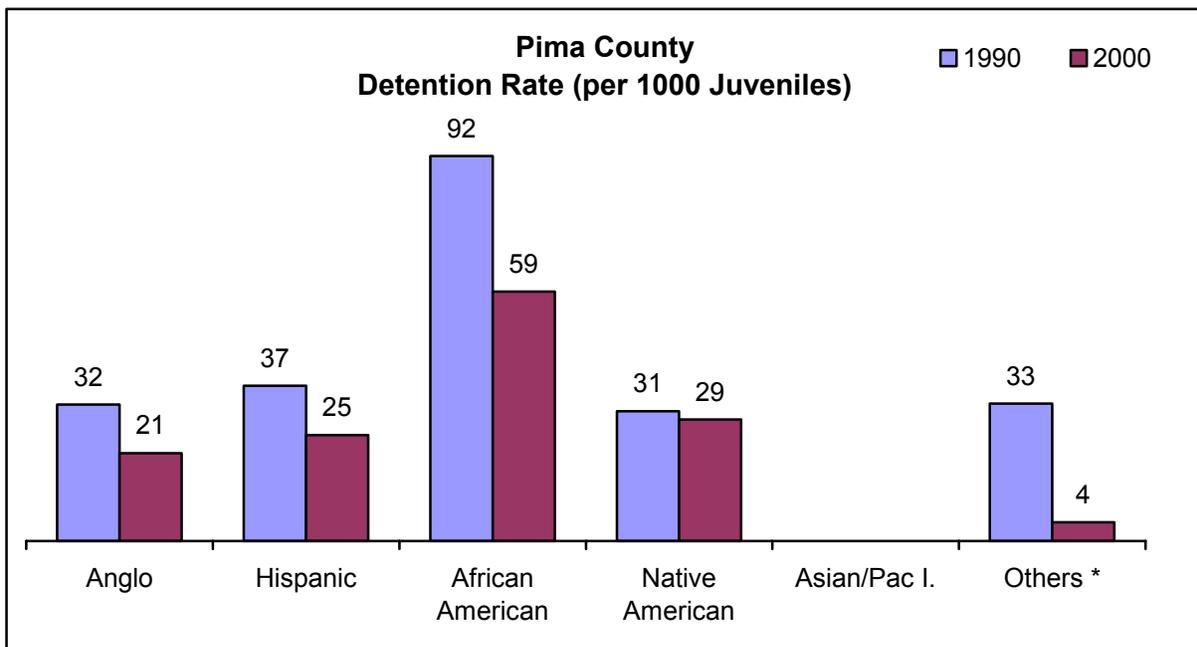
Juvenile Population Detention Rates Per 1,000 Juveniles

The following charts for Maricopa and Pima illustrate that the *actual rate per 1,000 minority youth* declined in both Maricopa and Pima counties, with the exception of Native American youth in Maricopa County.

**Table D13 Detention Rates for Juvenile Population Maricopa County**



**Table D14 Detention Rates for Juvenile Population Pima County**



*\*Excludes Pima County data for Asian Pacific Islanders, which are included in "Other"*

## Changes in Detention Rates 1990 - 2000

As indicated earlier, there was a decrease for all minority youth groups with the exception of Native Americans youth in Maricopa County.

**Table D15 Detention Rates - Maricopa and Pima County**

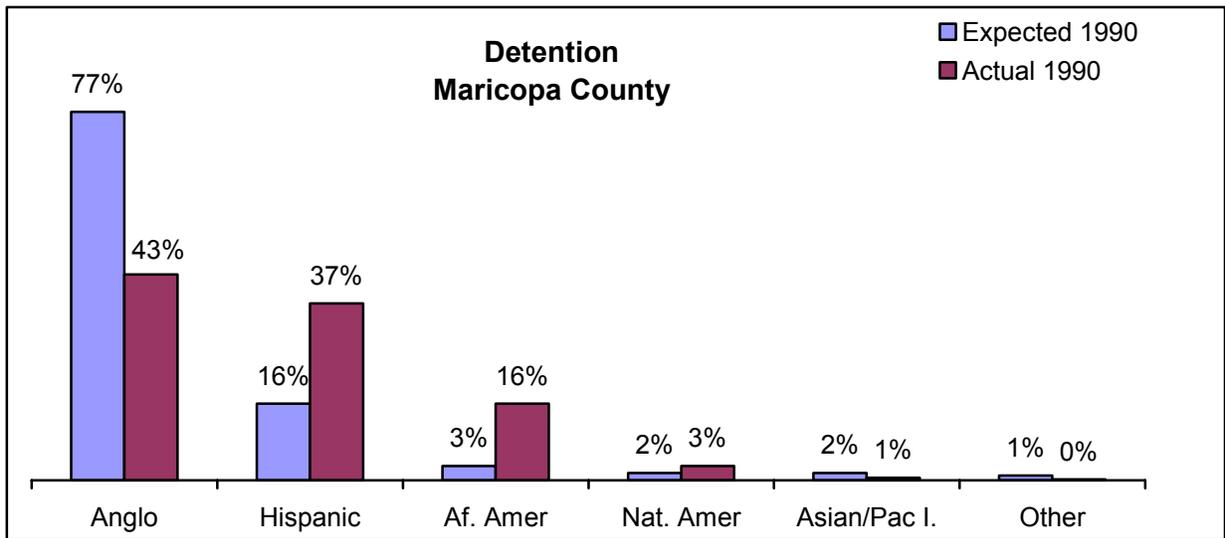
	Percent Increase/Decrease 1990-2000	
	Maricopa County	Pima County
Anglo	+82%	-35%
Hispanic	-40%	-32%
African Am	-29%	-35%
Native Am	+17%	-7%
Asian/Pac I.	-13%	
Other	-82%	-86%

*\*Excludes Pima County data for Asian Pacific Islanders, which are included in "Other."*

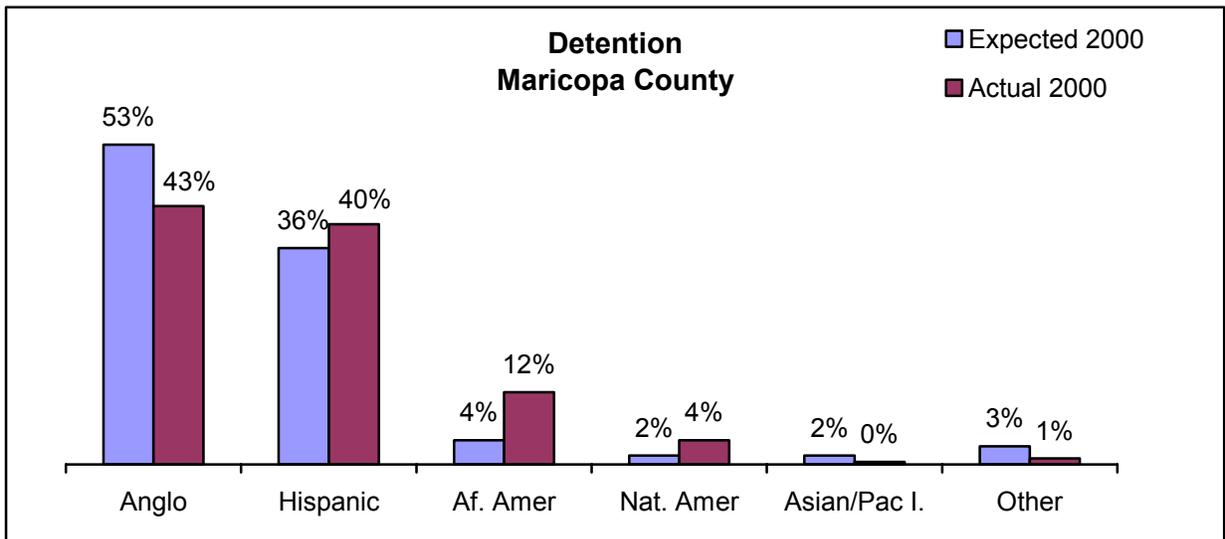
## Expected versus Actual Detention 1990 - 2000

The numbers for *expected versus actual* percentages in 1990 and in 2000 for Detention show that the gap between expected and actual detentions is narrowing for Hispanic and African American youth in Maricopa County. In Pima County, however, there was an increase for Hispanic and Native American youth. Consequently, although Anglo youth continue to receive a comparatively smaller ratio of actions, the numbers are improving and there is less over representation of other groups.

**Table D16 Expected vs. Actual Detention Rates Maricopa 1990**

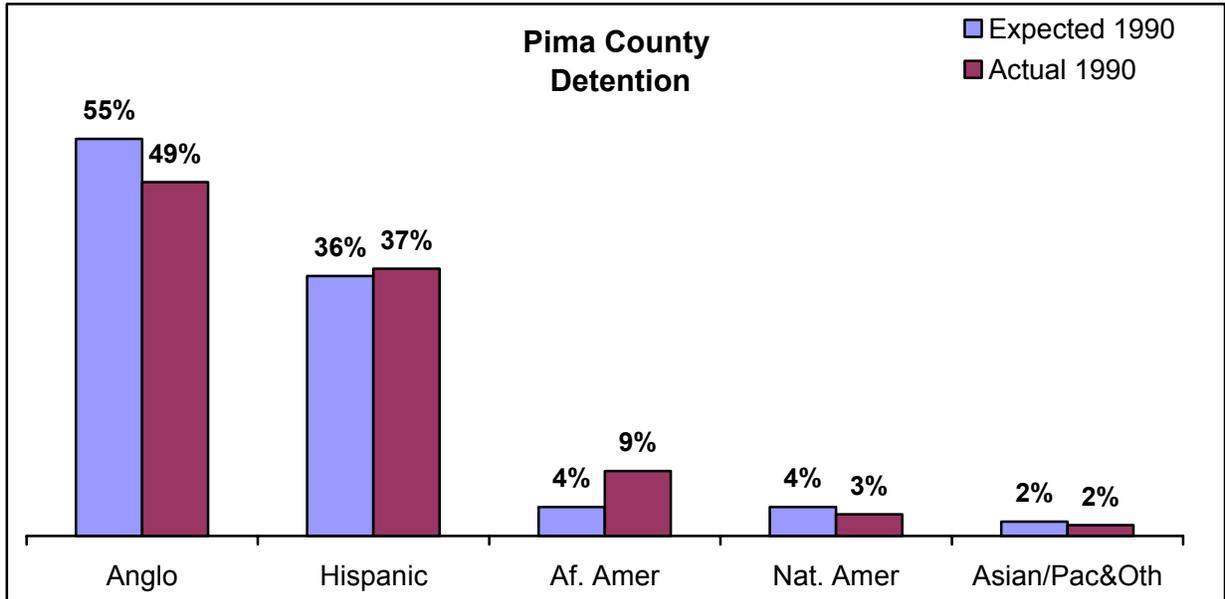


**Table D17 Expected vs. Actual Detention Rates Maricopa County 2000**

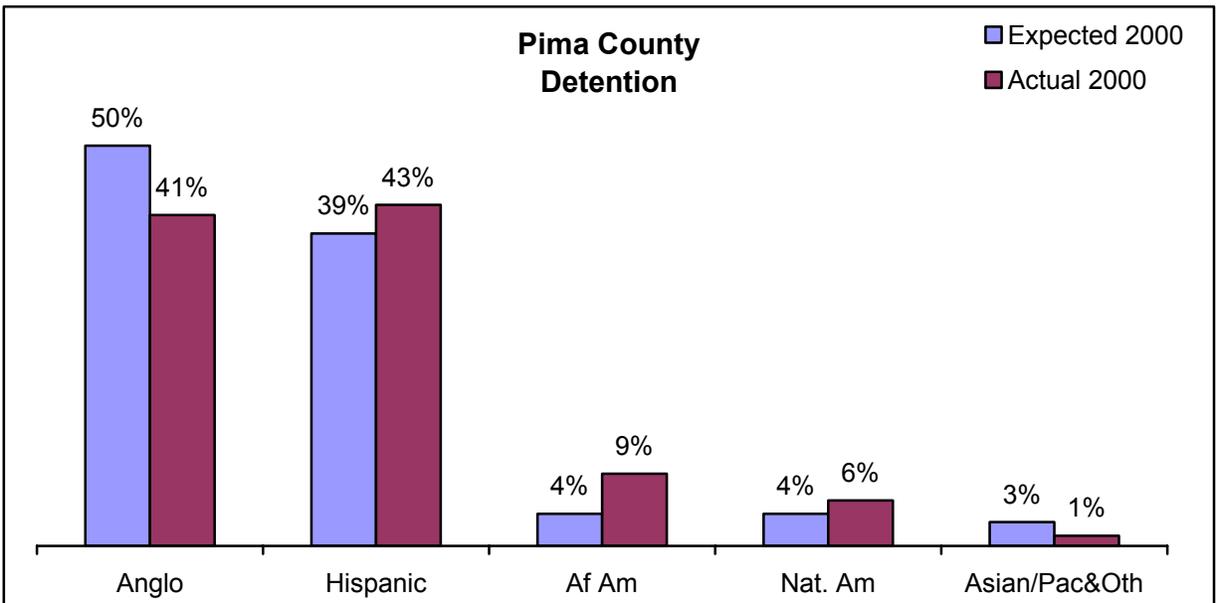


**Table D18 Expected vs Actual Detention Rates Pima County 1990**

As noted earlier, in Pima County there is improvement in the expected versus actual versus percentage for Hispanic youth.



**Table D19 Expected vs Actual Detention Rates Pima County 2000**



## Probation

In Maricopa County, there are two Probation Services Divisions: Durango Probation Division (West) and SEF Probation Division (East). In Pima County, Probation Services are provided out of the facility on Ajo Way. Probation services include, but are not limited to the functions of investigation, standard and intensive probation supervision, and reporting to the court.

**Table P20 Probation Rates - Maricopa County, 1990 and 2000**

The most dramatic increase for Probation occurred in Maricopa County among Anglo youth, from considerable under representation in 1990 to more closely approximating their proportion in the population in 2000. Hispanic youth are also represented in the Probation population at a percentage that is closely proportionate to their presence in the youth population. African American youth continue to be over represented in 2000, although with some improvement shown over 1990.

	Maricopa County 1990				Maricopa County 2000			
	Number/Percent	Population	Rate/1000		Number/Percent	Population	Rate/1000	
Anglo	1,125 (52%)	228,824	4.9		2,625 (50%)	244,810	10.7	
Hispanic	728 (34%)	48,292	15.1		1,976 (37%)	165,016	12.0	
African Am	249 (12%)	9,902	25.2		444 (8%)	19,623	22.6	
Native Am	43 (2%)	4,501	9.5		153 (3%)	8,548	17.9	
Asian/Pac I.	11 (1%)	4,751	2.3		26 (0.5%)	9,037	2.9	
Other	6 (0.3%)	338	17.8		68 (1%)	12,968	5.2	
TOTAL	2,162	296,617	90.9		5,292	460,002	77.6	
<b>Overall Minority</b>	1,037	67,784	15.3		2,667	215,192	12.4	
<b>Maricopa County Minority Youth Probation Rate Change 1990 - 2000</b>							<b>Decreased 19%</b>	

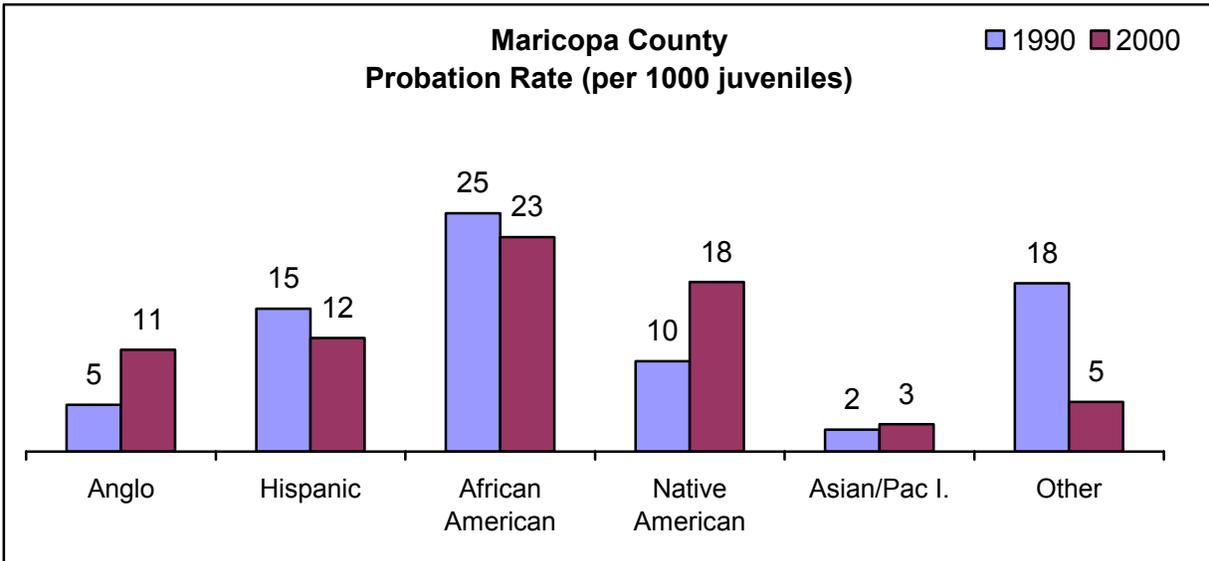
**Table P21 Probation Rates - Pima County 1990 and 2000**

In Pima County, Anglo youth who enter the system continue to receive probation at a lesser rate than minority youth. Hispanic and African American youth continue to be over represented, as do Native American youth, although to a lesser extent. In Pima County improvement over 1990 is noted among all minority populations except that of Hispanic youth.

	<b>Pima County 1990</b>				<b>Pima County 2000</b>			
	Number/Percent	Population	Rate/1000		Number/Percent	Population	Rate/1000	
Anglo	427 (47%)	37,457	11.4		828 (43%)	61,404	13.5	
Hispanic	347 (38%)	24,717	14.0		854 (44%)	52,624	16.2	
African Am	99 (11%)	2,508	39.5		157 (8%)	4,727	33.2	
Native Am	95 (4%)	2,649	13.2		89 (5%)	6,153	14.5	
Asian/Pac I.								
Other	7 (1%)	1,159	6.0		16 (1%)	8,917	1.8	
TOTAL	915	68,490	116.4		1,944	133,825	74.7	
<b>Overall Minority</b>	548	31,033	17.7		1,116	72,421	15.4	
<b>Pima County Minority Youth Probation Rate Change 1990 - 2000</b>							<b>Decreased 13%</b>	

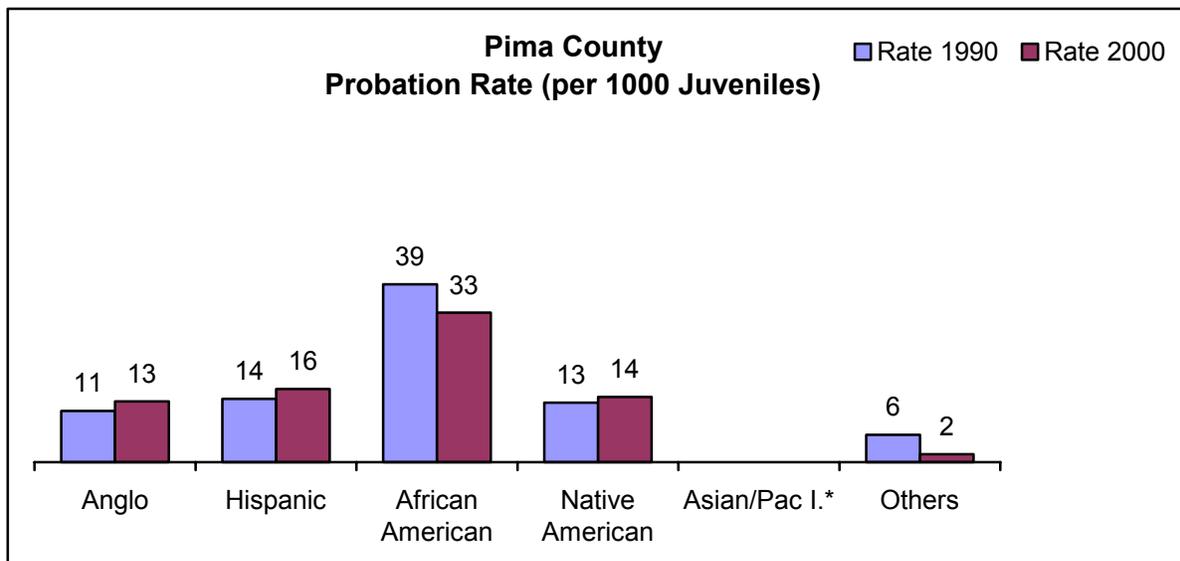
**Table P22 Probation Rates for Juvenile Population Maricopa County**

In Maricopa County the probation rate for Hispanic and African American youth decreased slightly from 1990 to 2000. However, the rate for Native American youth increased by nearly 90% (from 9.5 to 17.9 per one thousand youth) in Maricopa County.



**Table P23 Probation Rates for Juvenile Population Pima County**

In Pima County the rate for Hispanic and Native American youth increased. The rate for African American youth decreased.



\*Excludes Pima county data for Asian Pacific Islanders, who are included in "Other"

## Change in Probation Rates 1990 - 2000

**Table P24 Change in Probation Rates Maricopa and Pima County 1990 - 2000**

The number of Maricopa County Anglo youth sent to probation more than doubled between 1990 and 2000. At the same time the population (as a percent of the total youth population) decreased and the number of referrals increased only slightly.

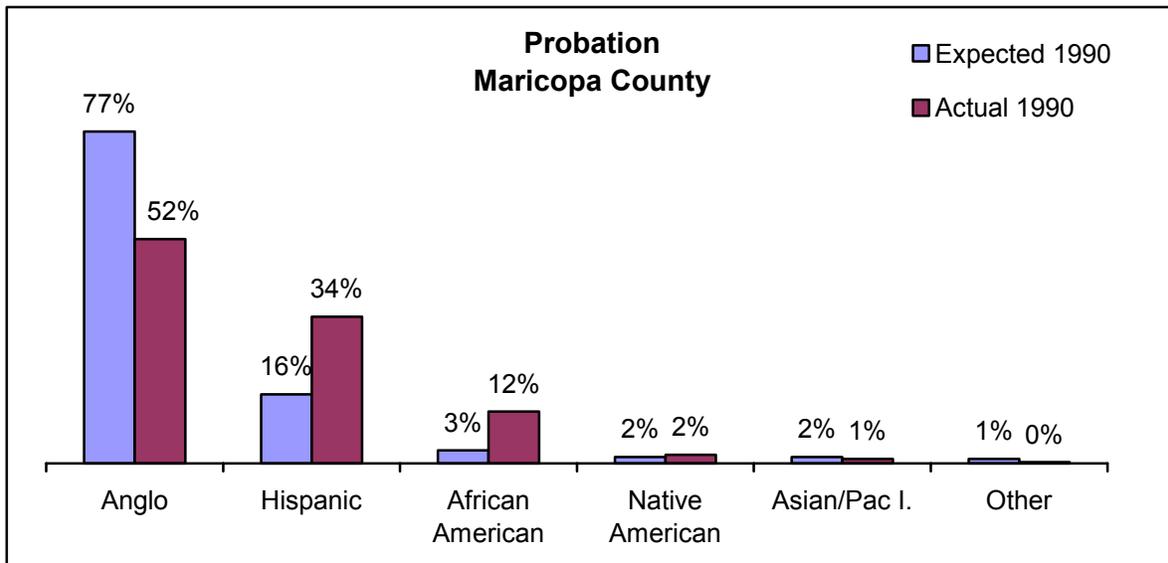
Also in Maricopa County, the probation rate decreased for Hispanic and African American youth but increased by 88% and 24% respectively for Native American and Asian pacific Island youth.

	<b>Amount Increase/Decrease 1990-2000</b>	
	Maricopa County	Pima County
Anglo	+117%	+18%
Hispanic	-21%	+16%
African Am	-10%	-16%
Native Am	+88%	+10%
Asian/Pac I.	+26%	
Other	-70%	-70%

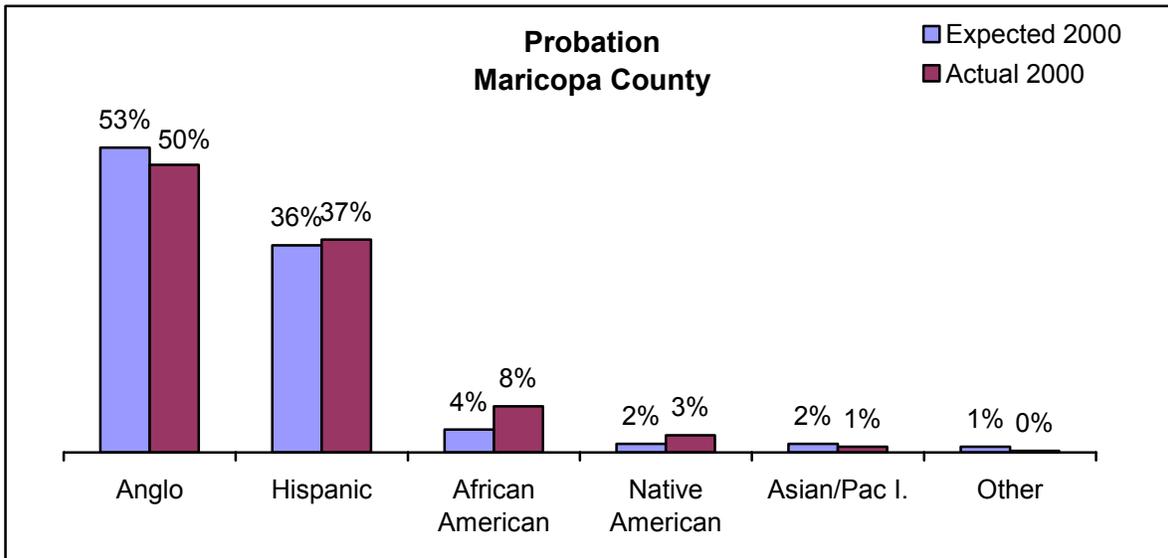
## Expected vs. Actual Probation 1990 and 2000

### Table P25 Maricopa County Probation 1990

As indicated above, when compared to the 1990 percentage numbers, the gap between the expected and actual probation rates decreased for Hispanic and African American youth.

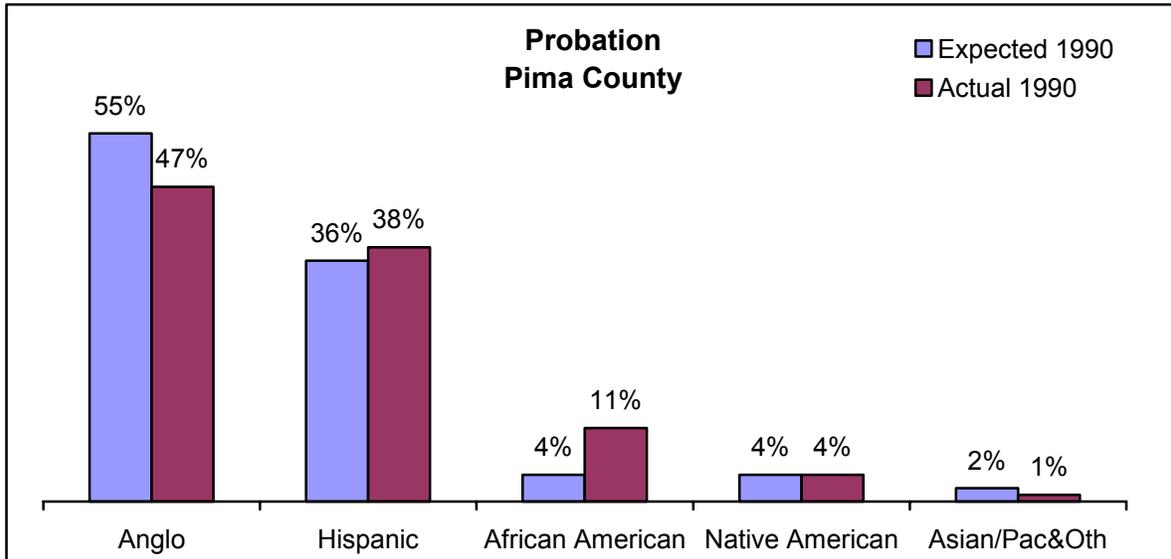


### Table P26 Maricopa County Probation 2000

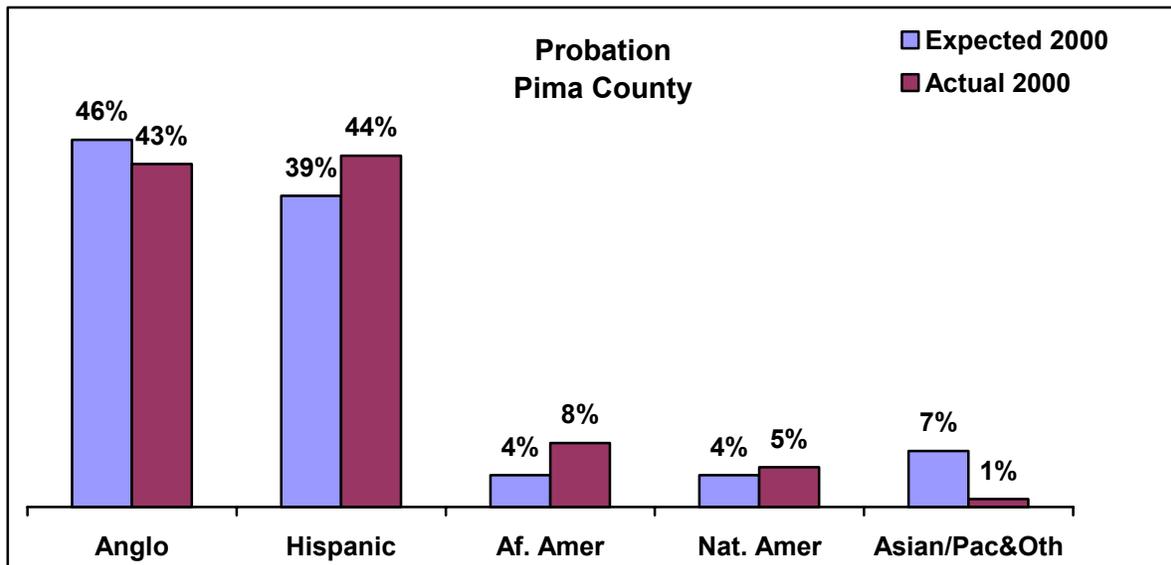


**Table P27 Pima County Probation Expected vs Actual Rates - 1990**

In contrast to Maricopa, in Pima County the difference between the expected and actual percent of total probation youth population increased for Hispanic and Native American youth and decreased slightly for African American youth.



**Table P28 Pima County Probation Expected vs Actual - 2000**



## Commitment

Juveniles who are adjudicated delinquent, and who are the most chronically delinquent, are committed to the Arizona Department of Juvenile Corrections (ADJC) by the county juvenile courts.

Obvious and visible improvement occurred in the commitment of minority youth to the ADJC between 1990 and 2000. The number of youth committed to ADJC by Maricopa County decreased from 610 to 417. During the same period, there was more than a 50% increase in the number of youth committed from Pima County, from 215 in 1990 to 330 commitments in 2000. Overall, however, the data show that Anglo youth continue to be statistically less likely to be detained than minority youth and that, Hispanic, African American, and Native American youth continue to be over represented in detention. African American youth showed a dramatic improvement in the rates of commitment in both Maricopa and Pima counties. Appendix B and C provide additional facts related to commitment of juveniles to the ADJC.

**Table C29 Commitment Rates - Maricopa County 1990 and 2000**

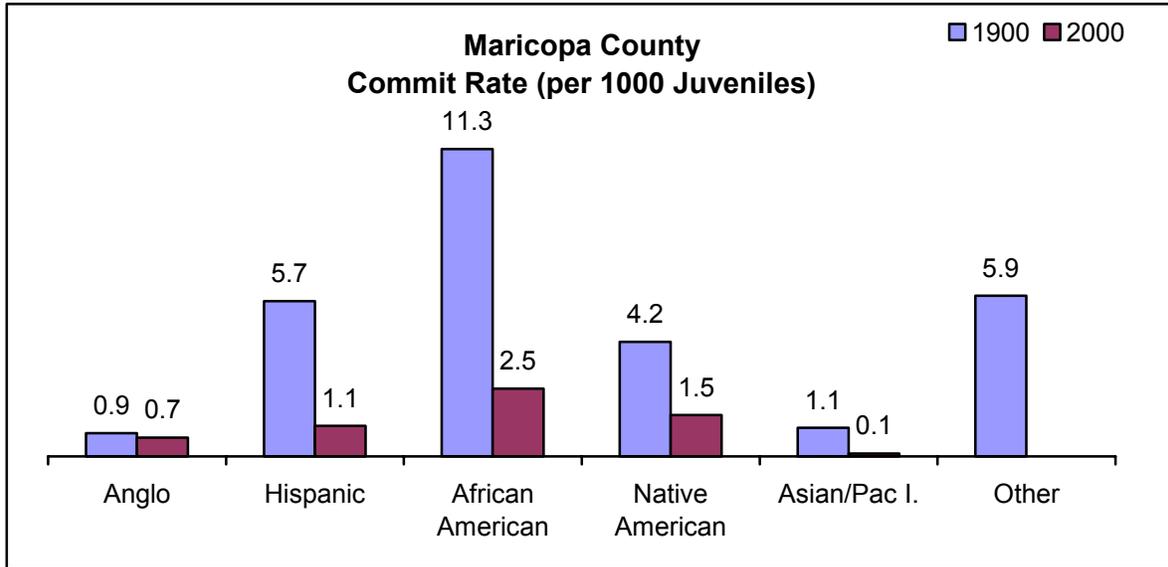
	Maricopa County 1990				Maricopa County 2000			
	Number/Percent	Population	Rate/1000		Number/Percent	Population	Rate/1000	
Anglo	196 (32%)	228,824	0.86		169 (41%)	244,810	0.69	
Hispanic	276 (45%)	48,292	5.72		185 (44%)	165,016	1.12	
African Am	112 (18%)	9,902	11.31		49 (12%)	19,623	2.50	
Native Am	19 (3%)	4,501	4.21		13 (3%)	8,548	1.52	
Asian/Pac I.	5 (1%)	4,751	1.05		1 (0.2%)	9,037	0.11	
Other	2 (0.3%)	338	5.92			12,968	0.00	
TOTAL	610	296,617	90.9		417	460,002	77.6	
<b>Overall Minority</b>	414	67,784	6.1		248	215,192	1.2	
<b>Maricopa County Minority Youth Commitment Rate Change 1990 - 2000</b>							<b>Decreased 81%</b>	

**Table C30 Commitment Rates - Pima County 1990 and 2000**

	Pima County 1990				Pima County 2000			
	Number/Percent		Population	Rate/1000	Number/Percent		Population	Rate/1000
Anglo	81	(38%)	37,457	2.2	117	(35%)	61,404	1.9
Hispanic	97	(45%)	24,717	3.9	163	(49%)	52,624	3.1
African Am	30	(14%)	2,508	11.9	31	(9%)	4,727	6.6
Native Am	4	(2%)	2,649	1.5	18	(5%)	6,153	2.9
Asian/Pac I.								
Other	3	(1%)	1,159	2.6	1	(0.3%)	8,917	0.1
TOTAL	215		68,490	116.4	330		133,825	74.7
<b>Overall</b>	134		31,033	4.3	213		72,421	2.9
<b>Minority</b>								
<b>Pima County Minority Youth Commitment Rate Change 1990 - 2000</b>							<b>Decreased 32%</b>	

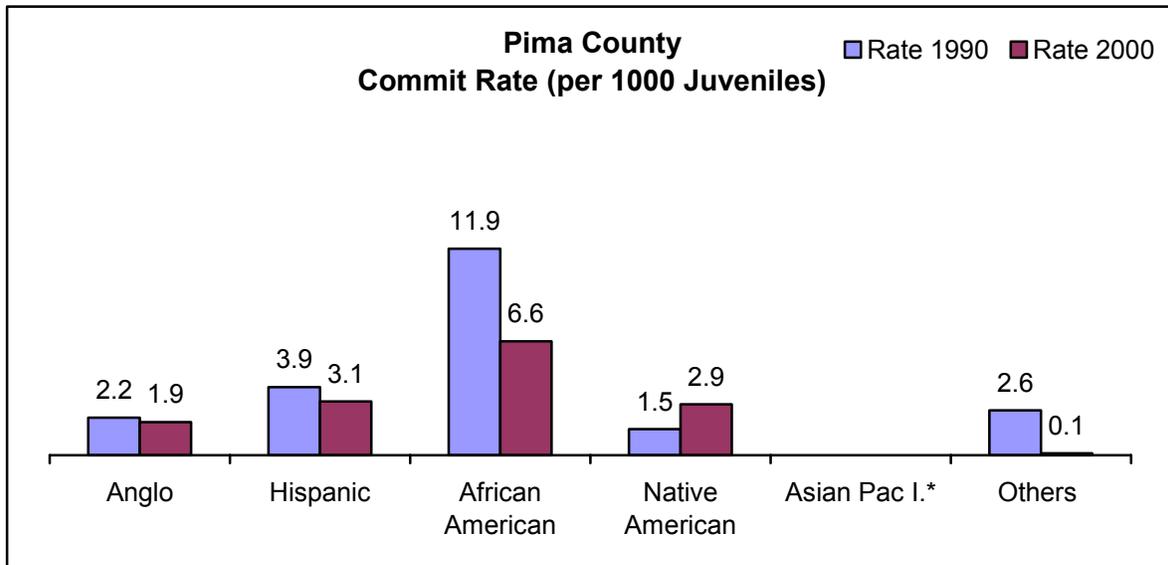
**Table C31 Commitment Rates - Maricopa County - 1990 and 2000**

The commitment rate for African American youth in Maricopa County decreased from 11.3 to 2.5, with similar decreased for Hispanic, Native American and Native American youth.



**Table C32 Commitment Rates - Pima County - 1990 and 2000**

Decreases in the commitment rate occurred in Pima County for all groups with the exception of Native American youth.



\*Excludes Pima County data for Asian Pacific Islanders, which are included in "Other"

## Change in Commitment Rates 1990 - 2000

Table C33 Change in Rates Commitment 1990-2000

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	Amount Increase/Decrease 1990-2000	
	Maricopa County	Pima County
Anglo	-20%	+14%
Hispanic	-80%	-21%
African Am	-78%	-45%
Native Am	-63%	+94%
Asian/Pac I*	-89%	
Other	-100%	-95%

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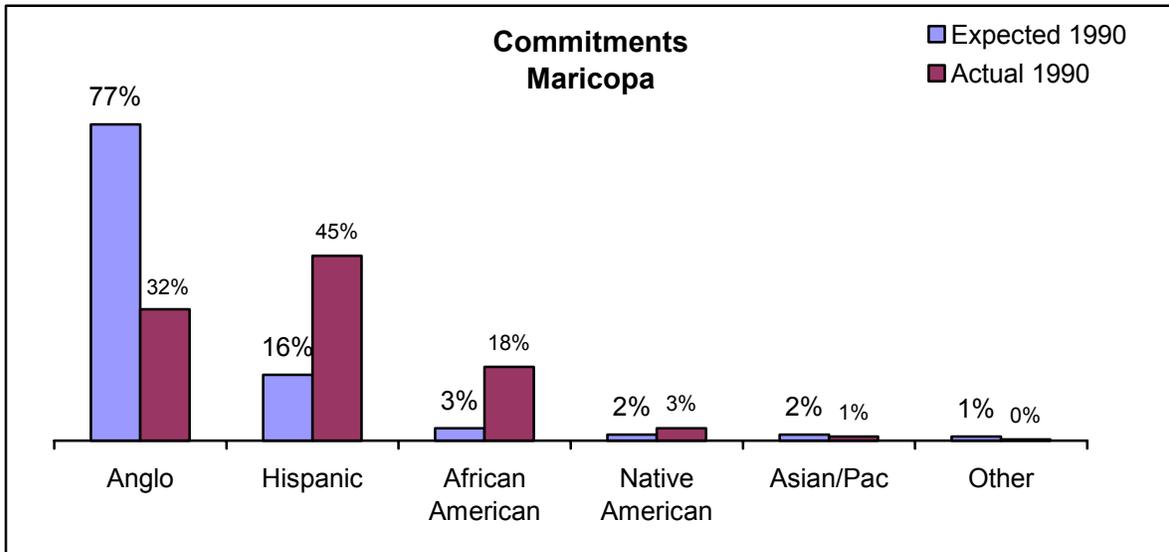
\*In Pima County these figures are included in "Other"

The significant decrease in the commitment rates for Hispanic and African American youth are noteworthy considering the increases, as a population percentage, these two groups experienced between 1990 and 2000.

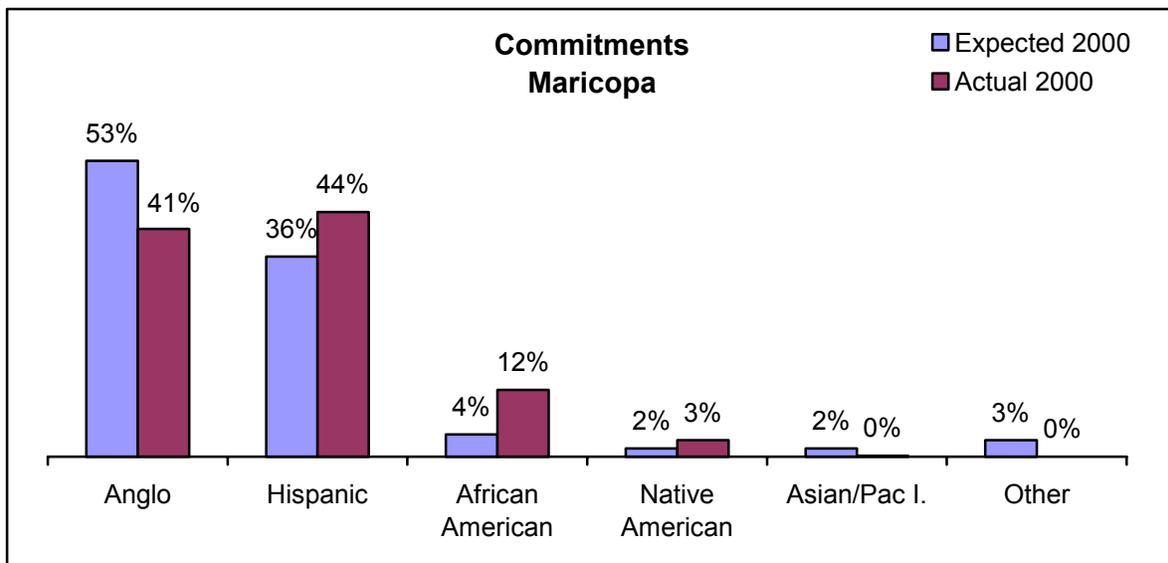
### Expected vs Actual Commitments 1990 and 2000

In Maricopa County, the difference between the actual and expected percent of the population decreased significantly for Hispanic youth and slightly for African American and Asian/Pacific Islander youth. The percents remained unchanged for Native American youth.

**Table C34 Maricopa Commitments Expected vs Actual - 1990**

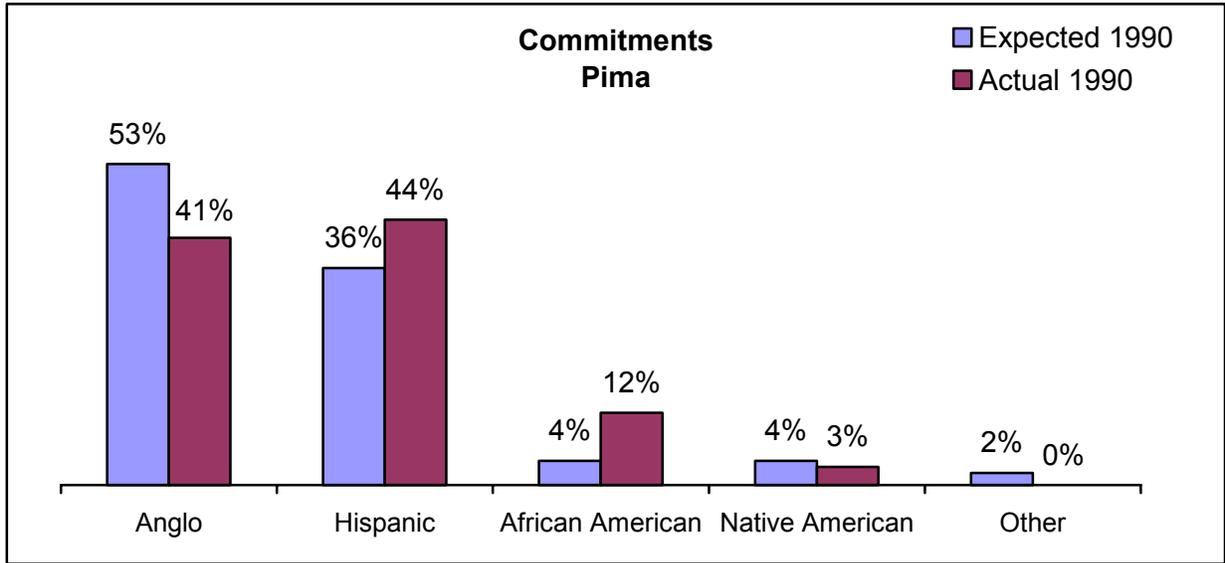


**Table C35 Maricopa Commitments Expected vs Actual 2000**

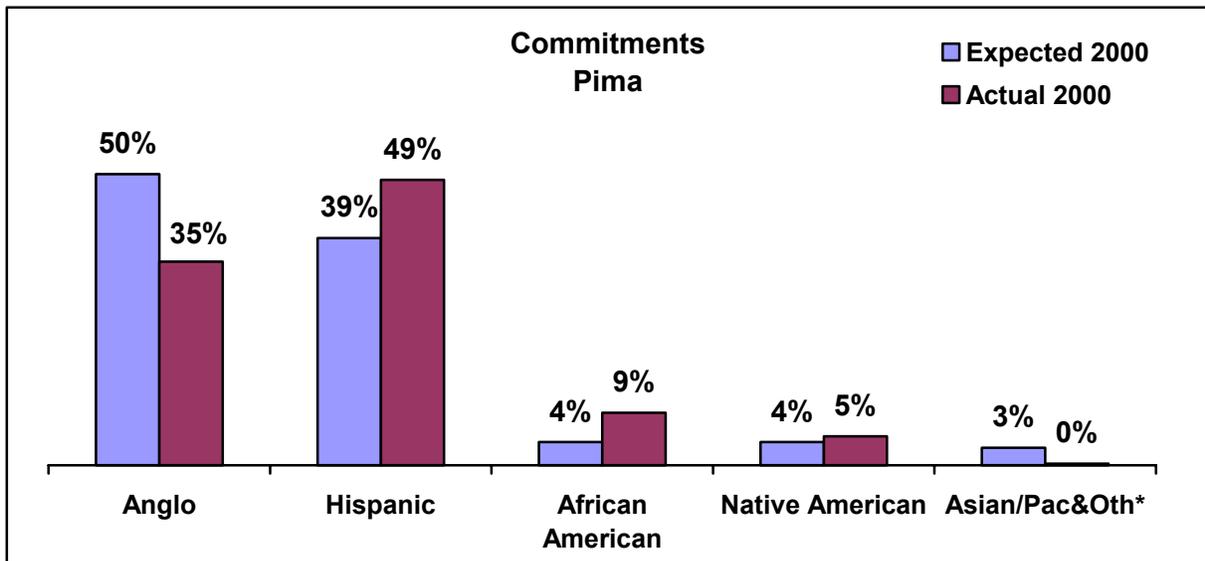


**Table C 36 Pima Commitments Expected vs Actual 1990**

In Pima County the difference between the expected and actual percent remained relative unchanged between 1990 and 2000. The percent for African American youth decreased slightly.



**Table C37 Pima Commitments Expected vs Actual 2000**



*\*Excludes Pima County data for Asian Pacific Islanders, which are included in "Other"*

## **Adult Prosecution (Transfer)**

As with other points on the juvenile justice continuum, the gap between the actual percentages of youth transferred for adult prosecution versus what might be expected given their presence in the population has generally narrowed between 1990 and 2000. This is particularly true for Anglo youth, in both Pima and Maricopa Counties, who continue to represent a smaller percent of the juvenile justice population than the general population. Two exceptions are noted: (1) for Hispanic youth, the gap is widening, i.e., the percentage transferred exceeds their presence in the population by a greater extent in 2000 than in 1990 for both Maricopa and Pima Counties; and (2) the same is true for African American youth in Pima County.

Significant changes occurred in Arizona during the period between 1990 and 2000 with regard to the transfer of juveniles to the adult system. In 1996, Proposition 102 was approved by voters, followed by enabling legislation mandating the automatic transfer to adult court of juveniles 15 years and older who commit the following offenses: murder, rape, forcible sexual assault, armed robbery, drive-by shootings, shooting at an occupied structure, and aggravated assault that causes serious physical injury. Other provisions of the enabling legislation gave prosecutors the discretion of filing charges in adult criminal court on a child 14 or older if they believed the child committed any class 1 or 2 felony, any class 3 felony with some exceptions, e.g. theft and some drug offenses and any class 3, 4, 5, or 6 felony if it involved intentional or knowing infliction of serious physical injury or the discharge, use, or threatening exhibition of a deadly weapon or dangerous instrument. Juvenile Court Judges continue to decide whether to transfer to adult court younger suspects or those charged with lesser crimes.

The data demonstrates that in Pima County the percent of Anglo youth transferred for adult prosecution declined by 47%, although the rate/1000 increased slightly. However, the percent of Hispanic youth (although equitable in 1990) increased by 43%. The 1990 high rate of transfer for African American youth increased even more so, from 1.6 youth per 1000 to 3.2 youth per 1000 in 2000. Juveniles who prosecuted in adult court by “direct file” impact this rate in 2000 while no such juvenile law existed in 1990.

**Table T38 Adult Prosecution - Maricopa County 1990 and 2000**

	Maricopa County 1990				Maricopa County 2000			
	Number/Percent		Population	Rate/1000	Number/Percent		Population	Rate/1000
Anglo	43	(37%)	228,824	0.2	140	(35%)	244,810	0.6
Hispanic	36	(31%)	48,292	0.8	203	(51%)	165,016	1.2
African Am	34	(29%)	9,902	3.4	43	(11%)	19,623	2.2
Native Am	3	(3%)	4,501	0.7	13	(3%)	8,548	1.5
Asian/Pac I.	0		4,751		1	(0.2%)	9,037	0.1
Other	0		338		1	(0.2%)	12,968	0.1
TOTAL	116		296,617	90.9	401		460,002	77.6
<b>Overall Minority</b>	73		67,784	1.1	261		215,192	1.2

**Maricopa County Minority Youth Adult Prosecution Rate Change 1990 - 2000**

**Increased 13%**

**Table T39 Adult Prosecution - Pima County 1990 and 2000**

	Pima County 1990				Pima County 2000			
	Number/Percent		Population	Rate/1000	Number/Percent		Population	Rate/1000
Anglo	18	(53%)	37,457	0.5	38	(28%)	61,404	0.6
Hispanic	12	(35%)	24,717	0.5	67	(50%)	52,624	1.3
African Am	4	(12%)	2,508	1.6	15	(11%)	4,727	3.2
Native Am			2,649		6	(4%)	6,153	1.0
Asian/Pac I.								
Other			1,159		8	(6%)	8,917	1.0
TOTAL	34		68,490	116.4	134		133,825	74.7
<b>Overall Minority</b>	16		31,033	0.5	96		72,421	1.3

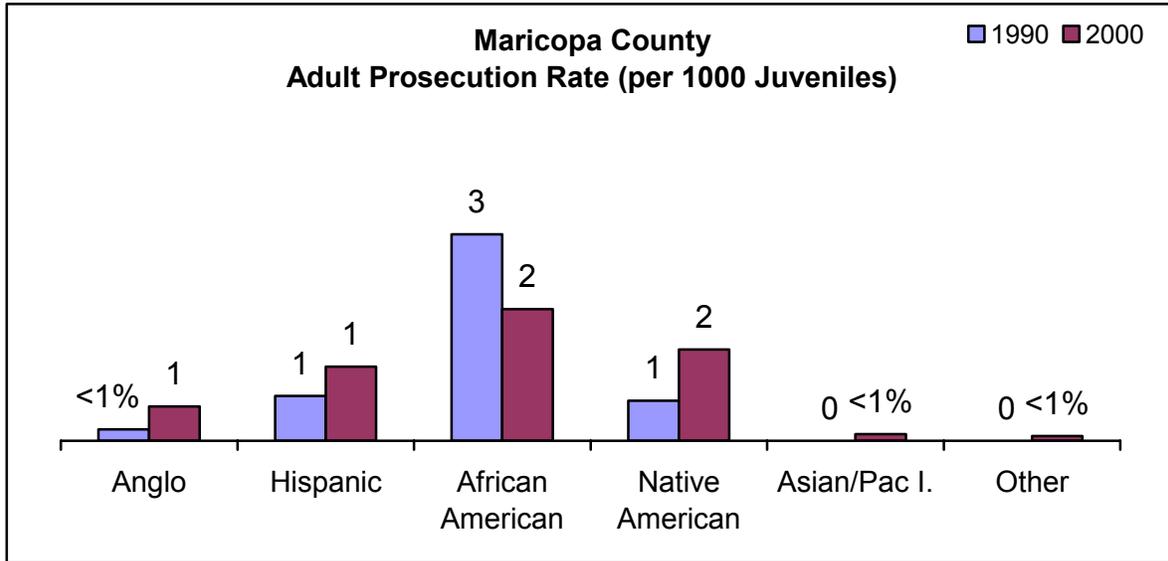
**Pima County Minority Youth Adult Prosecution Rate Change 1990 - 2000**

**Increased 157%**

Note: In 1990, transfer to adult court for prosecution was exclusively determined by a judge as part of a specific transfer hearing. In 2000, juveniles are prosecuted as adults in three different ways: Direct file for age related crimes, discretionary file by prosecutors for juveniles 14-years-old and above, and transfer determined by a judge as part of a specific transfer hearing.

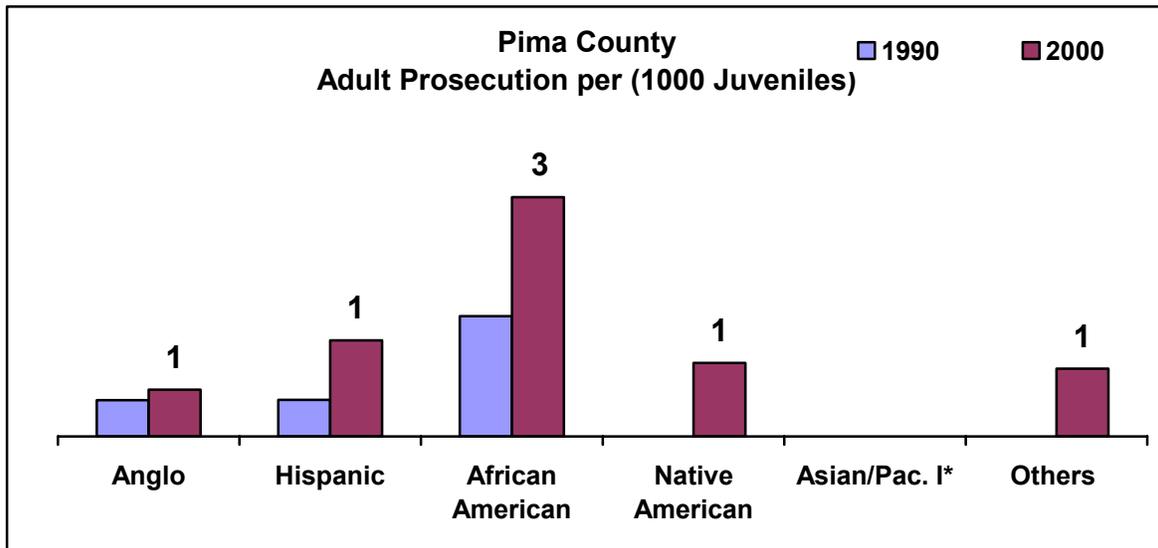
**Table T40 Adult Prosecution Maricopa County 1990 - 2000**

The rate for youth prosecuted in Maricopa County increased for Anglo, Hispanic and Native American youth but declined appreciably for African American youth.



**Table T41 Adult Prosecution Pima County 1990 - 2000**

The adult prosecution rate increased for all youth in Pima County.



*\*Excludes Pima County data for Asian Pacific Islanders, which are included in "Other"*

## Change in Adult Prosecution (Transfer) Rates 1990 - 2000

**Table T42 Change in Rates of Adult Prosecution**

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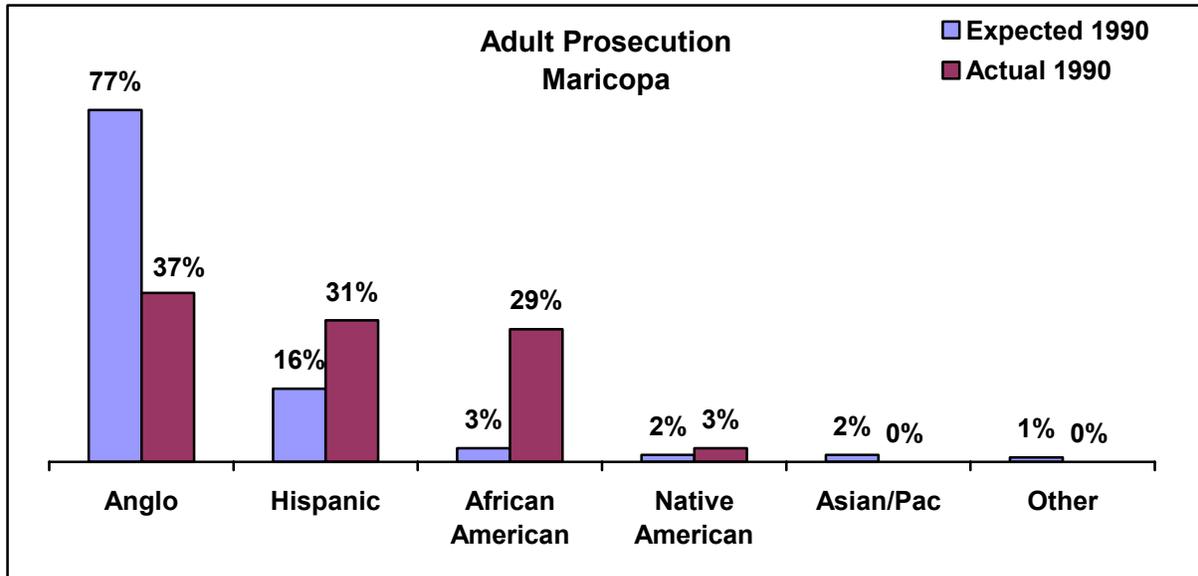
	<b>Amount Increase/Decrease 1990-2000</b>	
	<b>Maricopa County</b>	<b>Pima County</b>
Anglo	+200%	+20%
Hispanic	+50%	+160%
African Am	-35%	+100%
Native Am	+117%	
Asian/Pac I.		
Other		

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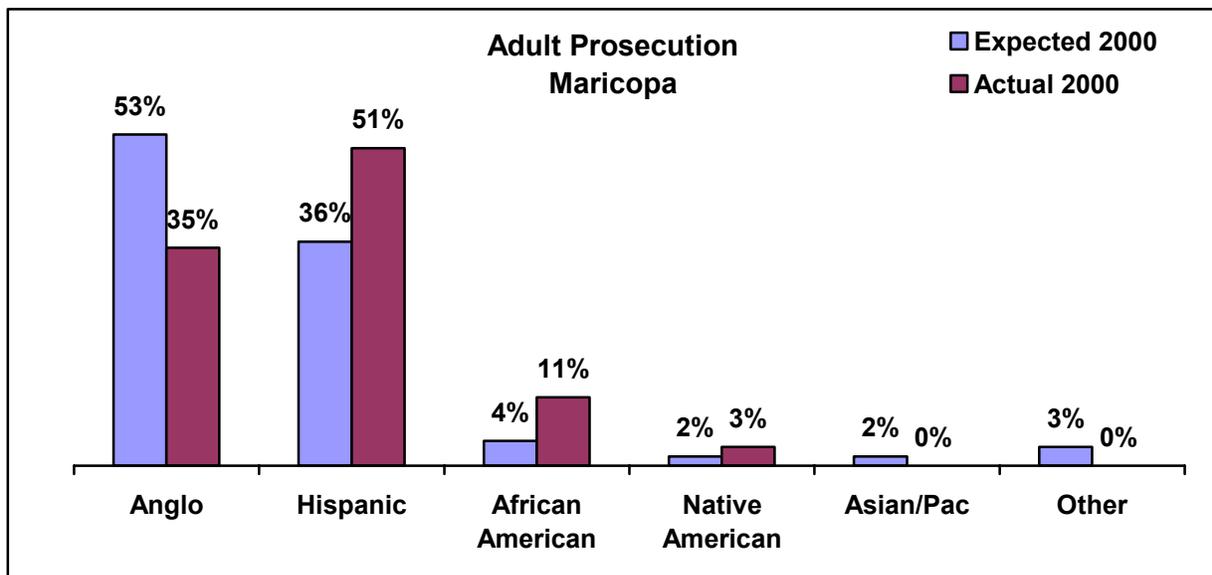
### Expected vs Actual Adult Prosecution 1990 and 2000

In 1990 Hispanic youth in Maricopa County were prosecuted as adults in nearly twice the numbers suggested by their representation within the youth population. African American youth were prosecuted nearly at ten times their representation. In 2000 the gap between population representation and adult prosecution narrowed.

**Table T43 Adult Prosecution Expected vs Actual Maricopa County 1990**

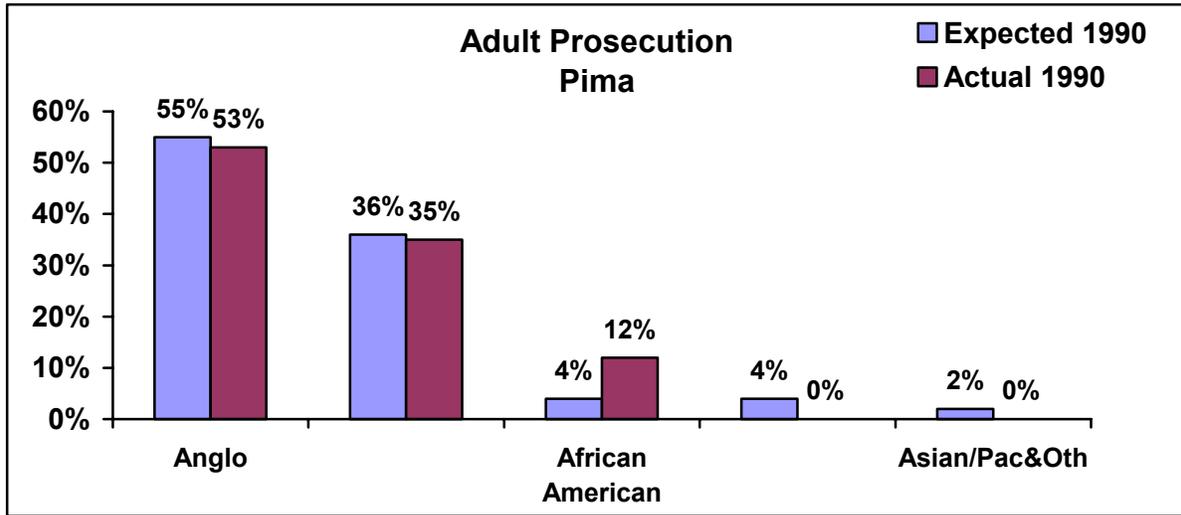


**Table T44 Adult Prosecution Expected vs Actual Maricopa County 2000**

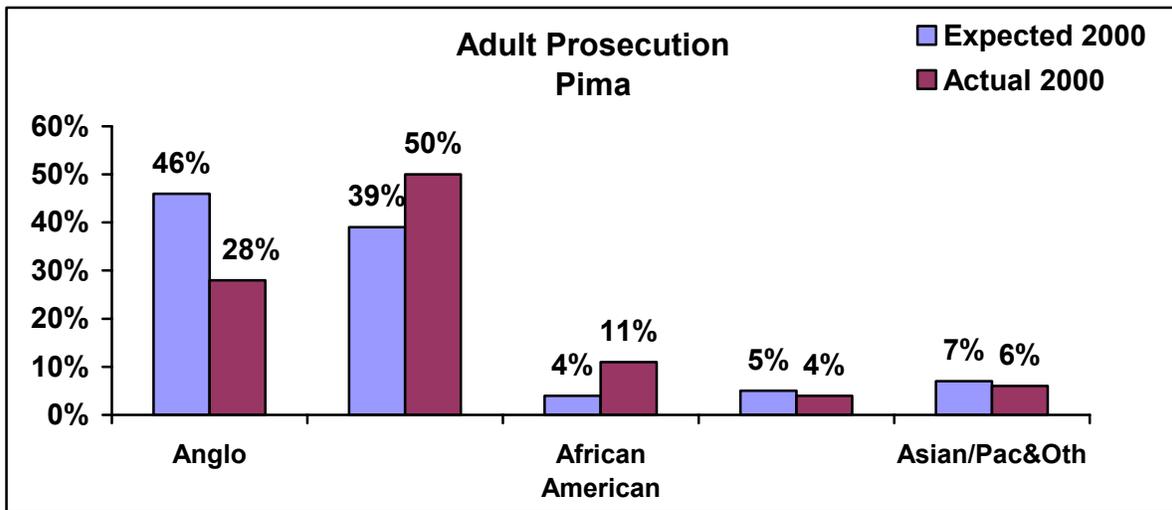


**Table T45 Expected vs Actual Adult Prosecutions 1990 Pima County**

In Pima County, the percent of Hispanic and Native American youth transferred for adult prosecution increased in 2000, compared to 1990. African American youth remained basically unchanged, although relatively high - nearly three times the expected population.



**Table T46 Expected vs Actual Adult Prosecutions 2000 Pima County**



## Qualitative Update

This section of the Report Card presents findings from the qualitative component. The data collection strategy consisted of a series of semi-structured interviews and focus groups with key informants. The qualitative component was designed to enrich the quantitative data and provide a complementary picture of the status of minority over representation.

A total of twelve interviews and five focus group sessions were conducted, resulting in input from 62 individuals. Participants were identified by the Administrative Office of the Courts (AOC) and included representatives from the following organizations and government agencies:

- Administrative Office of the Courts (AOC)
- Arizona Department of Juvenile Corrections (ADJC)
- Maricopa County Juvenile Court Center (MCJCC)
- Pima County Juvenile Court Center (PCJCC)
- Community-based agencies
- Commission/Board Members

A series of questions was developed as a discussion guide which included topics derived from recommendations/themes that cut across numerous reports and activities that have been undertaken since the 1993 publication of *The Equitable Treatment of Minority Youth, A Report on the Over representation of Minority Youth in Arizona's Juvenile Justice System*. The following studies, reports, papers, and conferences on the issue of minority over representation in the juvenile justice system that have been undertaken over the past 8 years were reviewed for development of the discussion guide. These included:

- 1993      *Equitable Treatment of Minority Youth: A Report on the Over-Representation of Minority Youth in Arizona's Juvenile Justice System*. Arizona Juvenile Justice Advisory Council Minority Youth Issue Committee, July 1993.
- 1993      *Report on the Commission on Juvenile Justice*. Arizona State Attorney General Grant Woods, Chair, July 1993.
- 1993      *Playing Against A Stacked Deck: Inequitable Treatment of Hispanic and African-American Youth in the Arizona Juvenile Justice System*. Esteban Velos and Eric Spivak, October 1993.
- 1995      *Survey of Arizona Juvenile Justice Service Providers: Final Report*. Report commissioned by the Arizona Supreme Court, Administrative Office of the Court. Survey conducted by Romero and Associates, Inc. August 1995.
- 1996      *Minority Youth Issues Committee 1995/1996; Accomplishments and Recommendations*. Subcommittee of the Arizona Juvenile Justice Advisory Council, February 16, 1996.

- 1996 Arizona Supreme Court Commission on Minorities: Progress Report. June 1994 - May 1996. Arizona Supreme Court Commission on Minorities, May 15, 1996.
- 1998 Colorblind Justice? Minority Youth Over Representation in Arizona's Juvenile Justice System. Conference Report, Arizona Commission on Minorities, September 1998.
- 2000 Enlarging the Healing Circle Ensuring Justice for American Indian Children. Report on the Annual Ethnic and Cultural Diversity Training Conference. Coalition for Juvenile Justice Report on the 5<sup>th</sup> Annual Ethnic and Cultural Diversity Training Conference, Coalition for Juvenile Justice, February, 2000.
- 2001 ADJC/AOC Follow-up Planning to December 2000 Conference on Mental Health Needs of Youth in the Juvenile Justice System. Paul Wong, Ph.D., Washington State University, April 1994.

The Commission on Minorities summarized recommendations from the above activities in a report: *Disproportionate Minority Youth Confinement - Minority Over Representation, August 2000*.

#### Focus Questions

Past recommendations focused on four primary areas: services, staffing, training, and administration. Questions were designed around these areas to frame the discussions.

#### Services:

1. How has the availability of community based services that respond to cultural/linguistic needs changed?
2. Are services available that are appropriate to minority populations served?
3. Has collaboration on behalf of minority youth and families changed, If so, how?
4. How has Neighborhood level field work/outreach increased?
5. Has family involvement increased?

#### Staffing:

1. Have there been any changes in recruitment, hiring of staff?
2. Has the number of bilingual/bicultural staff increased?
3. Is cultural competence addressed in staff supervision and treatment plans?
4. Has your organization conducted an assessment of cultural competence?

## Training:

1. Has there been an increase in staff training to improve knowledge, skills and abilities to meet the needs of ethnic minority youth and their families?
2. Is family training/advocacy available/utilized?

## Administrative/Other:

1. Is there diversity in the judiciary?
2. Do you have a Diversity Manager? Should state/county agencies (AOC, ADJC, DES, MCJCC) have such a position to coordinate/monitor activities related to the over representation of minority youth?
3. Has funding for multicultural or culturally specific programming increased?
4. Is there increased sensitivity to the potential for racial bias in system referrals among youth of color?
5. Is there family/youth involvement in policy development?
6. How have policies and procedures changed to reflect a more diverse approach to minority youth and case handling?

Each of the interviews and focus groups lasted approximately two hours.

## Summary of the Interviews and Focus Groups

### A Common Thread

An overarching theme among several of the focus group participants concerned the perceived lack of meaningful progress in the area of over representation. As one representative from juvenile court put it, “Nine studies and data and not much has changed. There are more minority community groups interested in getting involved and many have helped train us. But there’s not enough of them. It’s hard to get into communities. There’s not a good connect between money and people who get to people.”

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*This has been going on for years, the numbers we have now are not by accident. The system is not listening to our organizations or to our communities. We can do conferences and reports from '93 until the cows come home, but they're not listening.*

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The last statement was made in the context of service providers, specifically funding of programs that deliver services in communities where minority families tend to live.

A focus group participant offered the following: “I’ve been an administrator for 25 years. The best way to not deal with an issue is have someone write up an assessment and develop solutions. This “turns off the sound”. It’s time to stop planning and start holding people accountable.”

Another discussant stated “We need to make this one thing a priority for all - Children’s Action Alliance, ADJC, the Governor’s Office, the Courts, all of us. We can’t put a dent in this until we come together around it. This needs to be a cause we can all champion collectively. I don’t want to walk around afraid of people who aren’t like me.”

Other comments on the issue of progress:

Little has actually changed other than awareness, we’re going in the right direction, but we’re a long way from being there.

Just go to Adobe Mountain and take a look. Bias is still evident. The gang thing promotes bias.

We’ve been looking since 1993, all these activities, all these meetings, roundtables - have things changed? No, we’re still warehousing people of color. Is that what it’s going to take - A race discrimination lawsuit? Kids are the focus, not something to be feared. Quit talking about what we know is happening and do something, start with an area of high minority over representation. Walk down the halls of detention - see over representation. It’s still true, more cops, more arrests. Racism is alive and well, even at Durango.

### **Progress Acknowledged**

Several of the interview participants recognized positive change, with some qualifying their input with comments about continuing problems.

It’s better than it used to be. We’re seeing more referrals of minority youth to residential treatment programs, etc. ADJC appears more culturally competent - open to dialogue with more presence in the community.

We’re more treatment oriented but we have a long way to go. We lose kids if we wait too long after release to refer to treatment. We need to start 30 days before release to transition. ADJC/MCJCC has to pay for that. It’s happening some but not enough. All kids need to be transitioned.

There’s an increased availability of services, but not to the degree it needs to be. Minority youth still have trouble accessing services needed.

There’s an increased awareness of the issue among providers, increasing staff. Staff is better trained.

We can’t get tired. I think the juvenile justice system has made progress, I’m glad data shows that.

There are more efforts to engage minority providers particularly in the metro area while attempting to build capacity. It’s accurate that we have a large number of minority youth. We have 14 minority owned contractors, an increase over last year by five.

We have increased information sharing - our staff all have Internet connection to JOLTS and can access history, warrants, etc. More often it helps to know youth aren't in trouble versus they are in trouble. If you don't give people access to information, they think you're keeping secrets. Information sharing is important - it builds trust and partnerships.

## Focus Group Questions

### Services

*Question #1: How has the availability of community based services that respond to cultural/linguistic needs changed?*

Three primary themes emerged in response to this question:

- ❑ Lack of Referrals to Minority Providers
- ❑ Gaps in Service Availability by Geographic Area
- ❑ New, Expanded Programs

Several respondents reported that although they may have contracts to provide services to minority youth, they don't get the referrals. This was the predominant theme for minority providers. Not only is this a problem because the lack of referrals means that income cannot be generated on a contract, it also led several to questions about where, if at all, these children were being served.

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*"Latinos drop out of treatment earlier than any other group because they're not being treated in their language and the system is not respecting their language and culture. We agree that minority kids go into the system on a delinquent offense, then we discover that 75% have a problem with substance abuse."*

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Minority providers are concerned about the reported AOC requirement that no more than 70% of their clients can come from juvenile court. For some small, specialty (delinquency prevention and intervention) minority providers, this can be a problem. "There are only so many kids!" (*Editorial Note: The AOC confirmed that this is not a requirement. All providers are encouraged to accept appropriate referrals to their programs from various sources to achieve economies of scale and to build their bases of funding*).

Some respondents felt the problem of referrals to minority providers is exacerbated by caseworkers and probation officers who become comfortable with certain providers and tend to make referrals only to those agencies.

Representatives from State and County contracting agencies commented on the problems with some minority providers. Accountability was a consistent theme, which is discussed later in this report.

Contracting agencies feel the problem is also related to how the system sets up numerous providers, both minority and non-minority owned and run, without enough referrals to support the contracted agencies. There is a need to redefine the number of providers based on location and need.

Services are available, but not throughout Maricopa County. This is reported as particularly true for the far west side and on 19th Avenue in South Phoenix. When clients have to travel to access services, transportation becomes a significant barrier.

On the positive side, there was acknowledgement of new and expanded services. Respondents in Pima County particularly highlighted this.

Participants in focus groups and individual discussants cited a growth, since “Weed and Seed,” of comprehensive programs including family courts, law enforcement, employment, and social/recreational programs. All of these programs are located in high poverty areas. Some providers have realigned their service areas to ensure they are reaching the minority youth and families.

*Question #2: Are services available that are appropriate to minority populations served?*

This question generated the most responses of all questions asked. Four themes emerged:

- Middle Class Model
- Bias in Assessment
- Lack of Knowledge of the System
- The Probation Perspective

### Middle Class Model

The reference to a continued use of a middle class model was cited by or alluded to by numerous discussants. This was seen as particularly true for Latino clients. Respondents made reference to findings by ValueOptions that Latinos do not stay in treatment programs, and that they tend to drop out earlier than any other population. The conclusion was that Latinos are not being treated in their language and the system is not respecting their language and culture.

Others reported that Hispanics who are new to the area are reluctant to participate in programming. If they perceive a counselor lacks understanding about their culture, they won't go back.

Using interpreters was also cited as a problem as it interferes with the process. One discussant stated that you cannot develop a relationship and pick up on nuances of communication when you need to use an interpreter.

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*Services can't be office-based, they need to be mobile and they need to be provided in the primary language of the client by the provider.*

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One respondent was appalled at the continuing practice at some agencies of using the secretary to translate for the psychiatrist or the counselor.

In addition to language, it was reported that more and more youths with disabilities (crack babies are now adolescents) are coming into the system. Capacities such as signing, Brailing and TDD are needed.

Overall, discussants see the need for more in-home services, and more services that are family centered and neighborhood based.

### Bias in Assessment

Participants reported that minority youth score high on the juvenile court detention assessment tools, which can lead to an increased chance for the youth to be detained. The score reportedly increases if transportation is lacking, there is evidence of poverty, lack of education, or parents are not available. At the time of detainment, there frequently isn't time to locate parents and arrange for transportation.

Data from Orange County, California reports that 8% of the juveniles take up the vast majority of resources. Intervening on the 8% Factor (from Orange County) was also cited as a possible way of counteracting this bias. In Pima County, assessment is used to identify juveniles earlier, at the 1st or 2nd referral (before they become part of the 8%). It was reported that minority youth tended to score higher on the assessment. With earlier identification and services, more services are needed in diversion.

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*There's still bias at the front end of the system, like how we assign officers. In South Phoenix, there are more cops and, therefore, more arrests. I don't think people intend to be biased, but some of those who work for them are.*

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Gang involvement, perceived or real, was also cited as promoting bias. There is also a continuing stereotype that only minority youth are gang involved, which is not true. When youth (and these are primarily minority youth) are labeled as gang members respondents believe these youth are penalized more and seen as organized crime figures. They are then watched more closely especially by GITEM. (Note: GITEM is the acronym for Arizona Department of Public Safety's Gang Intelligence and Team Enforcement Task Force responsible for assisting criminal justice agencies statewide in gang enforcement and investigative strategies.) Participants felt GITEM was an extremely hostile group and part of the continuing perception of institutional racism.

Reference was made to Probation Incident Reports (IR). One focus group participant wondered if IR's were being written proportionately with regard to race and ethnicity. If not, the participant suggested that the reasons for the inequity be investigated.

Related to this issue is data on diversion programs with regard to disparity. One participant wondered if we are diverting youth "proportionately" or making efforts to divert more youth.

## Lack of Knowledge of the System

Several discussants reported that families continue to be intimidated by the system and lack information about how the system works: "We need to mentor families, employing families to mentor others."

## The Probation Perspective

Participants mentioned that a new facility is planned for Maricopa County but one comment summed up how "user unfriendly" the facility is: "The court center environment is ugly and depressing. The telephones for public use are outside and families have to use them when it's 115 degrees."

Regarding probation services, the input was mixed. In both Pima and Maricopa Counties, discussants stated that the Community Justice Centers (CJC) are part of the improvement seen. Services are neighborhood based with engagement of community members. In Maricopa County, 600 volunteers serve on boards. Data indicates a significant difference when youth appear before the CJC. The community gets invested in youth, becomes involved and advocates for more services for youth and families.

The CJC's have limits, however. It was reported that many boards are comprised of people who have the time to volunteer. These are mainly older, retired residents, some of whom are reluctant to drive at night because of poor night vision. It was reported that recruitment efforts are underway to recruit younger board members.

Many participants cited positive relationships with community providers. In Pima County, Community Services sets aside in excess of two million dollars for programs. Programs such as Los Artes was cited in both focus groups and the individual interview conducted in Pima County as the stellar example of a comprehensive program designed to serve primarily minority youth. In Maricopa County, many discussants reported the changing philosophy at Juvenile Court, toward treatment versus lockup.

Yet others reported that probation isn't changing, that it's "still surveillance oriented." Some felt that paperwork and reporting requirements were causing the probation department to become a "technocratic service agency, having lost its heart and soul." Conflicting philosophies were also cited. This may be a phenomenon of transition. Services are reported to be moving from a focus on "lock-up" to a type of restorative justice with an emphasis on accountability to family centered practice. All of this is occurring within the highly politicized arena of "get tough on crime" (Proposition 102).

Some services that were showing promise are no longer being provided or are not provided at the level needed. Cited specifically was Renewing Arizona Family Traditions (RAFT). This program reportedly was family-centered with an emphasis on in-home, and wrap around services. Providers reportedly gave up the contract for reasons unknown but suspected to be lack of funding to pay for the costs. (*Editorial Note: The AOC clarified that RAFT was competitively*

*re-solicited to engage one contractor for Maricopa County and one contractor for Pima County in the interest of program fidelity and consistency of service).*

Several representatives from Probation cited the recent increase in the referral of young Anglo males (age 9-11) as potentially skewing the data on minority over representation. Participants suggested the need to look at the reported decrease in the percentage of minority youth in consideration of this phenomenon. The increase in younger Anglo males is due to the impact of the zero tolerance for school violence. Schools are reportedly calling the police on events that, in the past, they would have dealt with at the school level. The MCJCC reports they are working with schools and the legislature on this unintended consequence. In an effort to keep weapons, drugs, and violence out of the classroom, Arizona law mandates a uniform penalty without discretion. The consequence is the increase in referrals.

### Other Input on Availability

For minority providers, the issue of availability was underscored. Respondents felt that numerous people of color agencies are available to provide services.

*“If the majority of clients are in South Phoenix, referring agencies should be using agencies within those zip codes and stop sending people to the north side agencies.”*

Others felt that services were available that were appropriate to minority youth and families (culturally competent) but weren't competent in dealing with delinquents. Private non-profits are seen as needing the money and are seeking economies of scale. This often means comingling youth (delinquent and non delinquent) which is not good for youth.

Related to this were comments from others who spoke of the difference between the availability of culturally competent programs and programs that are competent to deal with youth. Many providers are seen as needing training on delinquent youth.

*Question #3: Has collaboration on behalf of minority youth and families changed? If so, how?*

Most respondents do not see an increase in collaboration. The predominant theme on this question relates to forced collaboration. The process is reportedly required by many funding sources and used in pursuit of contracts. There is a lack of higher order collaboration where resources are shared and services are blended. Agencies are seen in survival mode and motivated to take care of themselves.

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*When kids act up, we don't need to lock them up. We need to partner with schools and juvenile courts. Schools need to see students as customers who bring \$4,000 with them. Can you spell C.H.A.R.T.E.R.?*

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Several key stakeholders cited the Building Blocks initiative as a collaborative activity that addresses minority over representation. This initiative is an alliance of children's advocates, researchers, law enforcement professionals and community organizers that seek to protect minority youth in the justice system and promote rational and effective justice policies.

Others remembered collaborative endeavors that demonstrated success and wondered why they are no longer supported. Specifically mentioned was Project 85301 that was recalled as led by the Department of Economic Security (DES) and which focused on the Glendale zip code where a high number of DES referrals were received. The project was described as similar to Building Blocks (community and needs driven, representatives from all child serving systems, multiple services).

Long-standing collaboration with probation was recognized by stakeholders but not seen as impacting the problem: “We have always collaborated with probation, adult and juvenile. They come to our offices; they do their services there. We just open our doors to them, always have. They’re part of our office. We have small groups here and there but nothing to affect the bottom line. The bottom line is we still have an over representation of minority kids.”

In both Pima and Maricopa Counties, collaboration with schools was seen as having increased. Probation Officers are at the front end of the system, working with community-based organizations to “push” juveniles out of the system and to resources. An increase in Probation Officers in schools was also seen as improved collaboration.

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*We’re way overspecialized and we’re structured to accommodate the court, not the community. The specialty needs to be the geographic area we handle. We really need to get to know the community. The key is connection to community, and knowing their needs and resources.*

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*Question #4: How has neighborhood level field work/outreach increased?*

The themes that emerged from this question included:

- Lack of services in specific areas
- Pressure to avoid high crime areas

Input regarding neighborhood level fieldwork and outreach focused on the location of services. Aside from Community Justice Boards, most participants find neighborhood level work to be poor. Many specifically cited the lack of neighborhood level resources on the west side of Maricopa County.

Mixed messages were cited, with pressure from funding agencies to get out of high crime neighborhoods (which also tend to be high minority) because of the risk issues. The movement to wear bulletproof vests and to arm juvenile probation staff was brought up in this context. One discussant questioned the need for this protection, as there had not been any reports of injuries.

Several participants recommended using GIS (Geographic Information System) technology to map where referrals are coming from and where services are located (or need to be located) to make data driven service decisions.

*Question #5: Has family involvement increased?*

There were two primary themes associated with this question:

- Child Welfare Model
- Court Ordered Family Involvement

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*When you do specific activities to recruit families, they come in. Prior to implementing FFT, we had 30% of our cases reflecting family involvement, now we're at 65-70%.*

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Child Welfare Model

Previous discussion addressed the recognition of services moving from a focus on "lock-up" to family centered practice. Numerous participants and discussants cited evidence of practices based in the child welfare perspective. In addition to a family centered practice approach, several discussants mentioned specific interventions and methods. One was Functional Family Therapy (FFT) named to reflect a set of core theoretical principles, which represents the primary focus (family), with a commitment to positive outcomes in a model that recognizes both positive and negative behavior as representations of family relational systems (functional). FFT reportedly grew out of a need to serve a population of at-risk adolescents and families that were underserved, had few resources, were difficult to treat, and were often perceived by helping professions to be treatment resistant. Although designated a model program appropriate for minority families, a report from one discussant found the FFT trainers to be rather rigid and irritating. They were also all Anglo.

Another model cited was the Family Builders approach, also from the child welfare arena. Family Builders is a DES program that funds networks of community based providers for family assessments, case management and services using a home-based, family-centered, strengths-based practice approach.

For minority youth already in the system, acknowledgement was made of difficulties in engaging families. For ADJC, reference was made to the "Deloitte Report" which included a recommendation to improve engagement of families. In response, the Department has changed visitation time, increased visitation time, and added family specialist staff for community corrections. For probation, Masters of Social Work (MSWs) are now utilized to conduct in-home family assessments where probation officers used to do them. MSWs were seen as giving a more comprehensive view of families and needs.

Wraparound Services were also cited as a process, similar to Family Builders, for providing customized services to youth and families with complex, multiple problems that cut across traditional boundaries.

Court Ordering Involvement

Family involvement is seen as increasing as a result of court order. Judges order parents to accompany juveniles to community service and drug court. Families are more apt to get involved when the judge orders involvement.

It was also reported that some parents are involved in the adult system. In these cases, parental involvement can be enhanced by making it a condition of probation.

In regards to Community Justice Boards, a significant change in family involvement is not seen. Although Boards try to get parents involved, many of the families are not doing well. Many parents reportedly are working more than one job or are single parents. Also, the Boards don't meet as often as they need to in the evenings. It was stated that many of the Boards consist of retired people who don't like to drive at night.

## **Staffing Questions**

*Question #1 and #2: Has there been any changes in recruitment, hiring of staff?*

Has the number of bilingual/bicultural staff increased?

There were three themes that emerged from these questions:

- Increased recruitment and pay differential
- “Pirating” of staff
- Changing face of the new generation of professionals

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*You're not culturally competent just because you hire a couple of Mexicans. That's not culturally competent. If you want to measure cultural competence, you measure the history, the extent that organization with that community - that's cultural competence. Just hiring two Mexicans and a black doesn't make you culturally competent. That's the mistake that's been made.*

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## Increased Recruitment and Pay Differential

Respondents report that recruitment of minority staff has increased. Activities such as job fairs, websites, and advertisements in culturally relevant publications were cited. There were also numerous reports of a pay bonus for bilingualism, which is seen as a skill that should be compensated.

Despite these efforts, the resource pool of available staff seems to be diminishing. Providers report an inability of staff to meet the needs, particularly in specialty areas. Specifically cited was the lack of African American male sex offender therapists and bilingual/bicultural outpatient substance abuse counselors.

Minority staffing at the State agencies (specifically ADJC) is seen as getting better. ADJC was reported as the only State agency that openly shares data on staffing. It was noted, however, that overall minority staffing drops off at the executive level. Diversity tends to be relegated to lower levels.

### “Pirating” of Staff

Numerous respondents state that bilingual, MSW, certified clinicians are hard to find. “Those few people who are around, who are qualified minority staff, are being recruited from each other.” Another respondent reported having recently lost three bilingual professionals to ValueOptions. A network of providers has an agreement not to recruit from each other.

### Changing Face of the New Generation of Professionals

Many of the respondents and focus groups participants have been working in juvenile justice for numerous years and see themselves as “cut from the old bolt of cloth”, with a career commitment to youth, and compassion with more social welfare backgrounds. They see the newer recruits coming in with education and training that seems more conservative and lacking compassion. Others agree that the front line staff is getting younger but they also see an increased awareness of issues related to diversity.

Several interesting recommendations were made to address the issue of staffing. One was described as “Grow Your Own.” This would entail recruiting minority youth in high school or community college, supporting them to stay in school and mentoring them in the helping professions.

*Question #3: Is cultural competence addressed in staff supervision and treatment plans?*

Participants and respondents did not see cultural competence in supervision and treatment plans as being addressed. One focus group cited training gaps with regard to this issue. Clinical considerations, including diagnoses, were seen as requiring different responses depending on culture and language.

### **Training Questions**

*Question #1: Has there been an increase in staff training to improve knowledge, skills and abilities to meet the needs of ethnic minority youth and their families?*

There were two primary themes associated with this question:

Experiential training is more effective and relevant than didactic training, follow-up and tracking.

Participant responses were mixed on this item. Some find that training has increased. Others report that training seems to be reduced, and that only the minimum requirements are being met (two to three hours per year and at orientation). For those needing required training, reports are that cultural competence training competes with other topics.

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*Training needs to include a way for people to be more comfortable in an uncomfortable situation.*

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Many respondents reported on formal and informal training. Formal training was reported as curriculum based structured training on issues related to diversity and competence. These large, didactic, standardized trainings were reported as “hard to bring to life.” Training that is more experiential, done in smaller settings, was reported to be the most powerful. There is an emotional side to the issue that is best explored and facilitated to allow participants to look at themselves. The Anytown model was cited, along with training provided by the Institute for Non- Profit Management, and Undoing Racism (Peoples Beyond). The film, *The Color of Fear* was recommended for all training.

For training to be relevant, some participants report that it must focus on people forming bonds and building trust. The first level in training should be information, the next should be understanding, followed by application. The ultimate outcome would then be competence.

An increase in informal training seems to be occurring with minority staff conducting in-services in their agencies on cultural issues such as Native American ceremonies and beliefs and African American family values. These in-services were reported as helping to differentiate between “what's cultural and what's crazy”.

Several respondents questioned the status of follow-up on training requirements. Specifically mentioned was the requirement from AOC that providers were to increase cultural competence and the Training of Trainers conducted by the AOC and ADJC. The status of training or tracking by the AOC is unknown.

## **Administration Questions**

*Question #1: Is there diversity in the judiciary?*

An overall increase in diversity with regard to both gender and race/ethnicity on the bench was noted although some see a recent increase in white males. Rural Arizona is seen as lacking diversity.

Reports were made on workshops conducted at the Bar Association consisting of a daylong program designed to educate members on the process of applying to be a superior court judge and mentoring of minority attorneys to prepare for judgeships.

Input regarding the impact of rotation was mixed. Some see the rotation as too short (currently reported to be 5.5 years). It was reported that although it is good for judges to move on, there is not enough time to learn and invest. Others think rotation should be shorter with the ideal length of time being four years. With the exception of isolated incidents, judges and commissioners who come to juvenile court are seen as invested and excited about a common purpose and having a significant impact on people's lives.

Overall, the court is seen as more aware of issues related to diversity and cultural competence. However, anecdotal evidence points to some individual behavior that was reported as egregious. A Latino youth was in court, known by the worker to be overwhelmed by the process. He was slouched in his chair, and not making eye contact. The judge was reportedly irritated at the mother for asking for a translator. The judge yelled at the youth for mumbling and put him in detention for 30 days. The incident looked like bias to the worker.

*Question #2: Do you have a Diversity Manager?*

Should state/county agencies (AOC, ADJC, DES, MCJCC) have such a position to coordinate/monitor activities related to the over representation of minority youth?

One State agency (ADJC) and one provider agency reported having a position dedicated to diversity issues. The ADJC has a diversity manager and the provider agency has a diversity consultant. Both report directly to the Director/CEO.

Several respondents report that having a position dedicated to issues related to diversity and cultural competence would be good under the following conditions:

- Position must “have teeth”, not just window dressing or busy work.
- The position must report directly to the CEO and Board of Directors, not be buried within an organization.

In addition, the following was recommended:

A Diversity Manager within State agencies patterned after the ombudsman at DES would be ideal to look at all the Requests for Proposals (RFP) and ensure equity in interpreting the procurement code which is seen by some as very discriminating.

Should be part of human resources, blended with those functions to avoid infighting and empowered to carry out a plan/strategy for attracting and retaining staff.

Serve as a resource, “not keep hammering about how racist we are”.

Position needs to be able to influence accountability, monitor appropriateness of programs, and identify problems.

Function should not be punitive or regulatory, “we don’t need another cop.” Such a position should focus on capacity building for providers and agencies.

Others felt that a Diversity Manager might look and sound good, but that it wouldn’t make much difference.

*Question #3: Has your organization conducted an assessment of cultural competence?*

Although none of the government organizations (state, county) have conducted a formalized assessment of cultural competence, several report having surveyed staff, which is seen as part of the process of assessment. One community based organization reports having a Diversity Consultant who reports to the CEO. Tasks and activities include monitoring the appropriateness of programs, identifying problem areas, and a staff survey.

Many respondents indicated this process would be staff and resource intensive and that funds are not currently available for this.

*Question #4: Has funding for multicultural or culturally specific programming increased?*

In Pima County, a funding increase and new programs were reported as a result of Weed and Seed in Tucson. The programs were described as comprehensive and include family courts, law enforcement, employment, positive programs and education - GED, trades and stipends. The programs cited are located in high poverty and high minority areas.

Funding for multicultural or culturally specific programming was seen as a “big issue” for many respondents. Although an increase in such funding is perceived in Pima County, the response was mixed for respondents in Maricopa County. Respondents see more contracts established for these services but provider agencies do not see this as translating into increased funding under these contracts.

In responding to this item, participants from provider agencies described the funders (State agencies) as saying they want culturally competent and minority agencies, but they want them to act like traditional agencies, and “jump through hoops, maintaining the bureaucracy”. Another participant was more blunt: “They want a minority agency but they want you to act white”.

Representatives from the funding agencies tended to frame this aspect of the issue as the need to maintain high quality standards with enough flexibility for cultural variances and find this to be enormously challenging.

*Questions #5: Is there increased sensitivity to the potential for racial bias in system referrals among youth of color?*

Overwhelmingly, participants were aware of areas for potential bias in system referrals. Issues cited include:

- The Safe Streets Act, which mandates at least a year in federal prison for those selling drugs within 1,000 feet of a school, playground, or public housing area. Since public housing tends to have a high minority population, bias was mentioned numerous times as these housing project offenses are more severe.

- When curfew sweeps are conducted, “low-rider kids” (primarily Latino youth) are much more likely to get picked up if sweeps are done in minority areas.
- Building Blocks was seen as specifically addressing differential decisions for arrest and charges

*Question # 6: Is there family/youth involvement in policy development?*

Limited involvement by family and youth in policy development was reported. Although numerous youth committees were cited, their real input into policy development was seen as narrow.

Community Justice Boards were cited as representative of family involvement, but their input into policy development was also seen as minimal.

MCJCC reports business partnerships in neighborhoods such as those served by Garcia School. It was reported that school/neighborhood partnerships result in lower referrals. These partnerships were reported as designed to engage families in policy development and based on the writings of Lizbeth Schorr in *Common Purpose: Strengthening Families and Neighborhoods to Rebuild America*. Schorr documents 22 pioneering reforms--small, experimental social programs--that successfully make a dent in the seemingly intractable problems of child abuse, teen pregnancy, school dropouts, juvenile crime and unemployment.

*Question #7: How have policies and procedures changed to reflect a more diverse approach to minority youth and case handling?*

This question is closely related to an earlier question that asked about sensitivity to the potential for racial bias in system referrals among youth of color. For the most part, policies and procedures are not perceived as having significantly changed.

One policy change identified was related to changes within the behavioral health system. The Jason K. Lawsuit settlement was seen as impacting policy and promoting internal system change.

A consultant was retained to work with the Bench and looked at decision points (detention, JIPS, etc.) Data was examined to determine whether judges and commissioners were making different decisions by race/ethnicity. The results were controlled for offense. The findings included the following:

- If the judge was minority, they were harder on minority youth.
- No disparate decision-making was found.

The consultant also looked at the impact of Proposition 102 where the offense drives the decision. Higher poverty was found to result in differential charging. Several participants questioned the impact of the youth who can be discretionarily direct filed, Participants questioned the percentage they are filing with regard to race and ethnicity stating that JOLTs reportedly has that data under 501b.

Hiring policies and procedures were also cited as policy changes. Interview panels are utilized at MCJCC, comprised of diverse members who ask questions that assess attitudes toward diverse populations.

Although participants see significant and institutionalized changes, they also see change as a work in progress with continuing problem areas.

### Accountability

There were numerous strong statements about accountability coming from both funders and providers.

Funders see a problem with sustaining programs. Some minority providers are unable to meet qualifications, licensing, and contract requirements over a sustained period of time. Meeting payroll and dealing with turnover/adequate staffing were cited. The AOC reports having provided training to agencies in meeting bureaucratic requirements but problems reportedly continue.

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*They talk about holding us, the minority service providers, accountable? What about the system, who's going to hold the system accountable for over representation?*

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A significant amount of technical assistance (TA) has reportedly been delivered to minority providers. However, it is also reported that providers have not maintained the infrastructure. TA has been provided in the areas of billing for services, documenting services, treatment and case planning, and demonstrating success.

Funders also cite clinical competence and programmatic competence as elements of accountability. There is a need to maintain the same level of accountability for all providers.

There were also reports of political pressure to fund programs that “don't deliver.” This comment was made in the context of both minority and other providers. Providers also see how the contracting process has been politicized, stating knowledge of numerous organizations who are not going to let go of funding bases that have been in place for years.

Minority providers recount responses from funders (government entities responsible for payments) that they (providers) have been told “you're not sophisticated enough, etc.” This was seen as being a result of lack of opportunity. In the past, the Anglo agencies were reportedly getting 200-300% more than minority agencies for the same services. The system is seen as under-funding minority organizations for numerous years. One respondent recalled that a particular funder had a standard rate of \$80 per assessment, but was paying minority providers \$40. This practice reportedly went on for years.

Providers also called for accountability by the system. There was recognition that some programs continue to be funded even though the results and efficacy are questionable. As one respondent put it, “We buy stuff that’s silly, doesn’t work. Someone’s butt should be in a sling.”

One focus group saw the need to set goals and targets. They felt that there is no apparent consequence for Disproportionate Minority Confinement.

With regard to system accountability, numerous providers see litigation as the only recourse to change. There is a dialogue among providers regarding a community-based approach that includes potential litigation efforts to produce meaningful changes in the over representation of minority youth in the justice system.

### **Qualitative Analysis Summary**

Clearly the participants in the focus groups and interviews hold a strong, collective vision about the need to ensure equity in the juvenile justice system. They also share common ground in their belief that although progress has been made, problems remain.

Some are frustrated, and believe that we should be done talking about the problem and the system should be showing more improvement. However, those who expressed anger and frustration joined with others in providing recommendations to promote the equitable treatment of minority youth.

### **Recommendations**

- Encourage and promote collaboration among the state agencies and organizations directly involved with the juvenile justice system, including the Arizona Juvenile Justice Commission, the Department of Juvenile Corrections, and other interested agencies.
  - Actively engage the Minority Youth Issues Committee of the Juvenile Justice Commission to further study the issues identified in this report.
  - Collaborate with school systems to identify barriers that impact school attendance and achievement as it relates to ethnicity and race.
- Develop an annual “Report Card” with specific benchmarks for success each year. The first report card should establish target rates and prioritize areas for improvement. This report card should include the following benchmarks:
  - The numbers of minority youth in the five areas (referrals, detention, probation, commitments, transfer) of the justice system.
  - Identify immediate steps that can be taken to reduce any negative changes identified in benchmark comparisons.

- Review detention assessment instruments and identify those variables that increase detention of minority youth in the adult criminal system.
  - Review detention index used to detain children in the juvenile detention facilities.
  - Review bail guidelines used by adult criminal system to set bail for children in the adult court.
- Address the Administrative, Staff training, Provider Services and Staffing issues identified in the various focus groups by developing programs that:
  - Increase the number of service providers in areas where minority youth referred to the juvenile justice system reside (services).
  - Analyze policies that impact the number of minority youth in the juvenile justice system (administrative).
  - Conduct forums with community members to collect their perception of changes in the system since 1993 (administrative).
  - Increase the number of service provider staff trained in culturally competent curriculums that are relevant and experiential (training).
  - Develop training programs specific to cultural competence that are relevant and experiential (training).
  - Increase the number of minorities that remain in the helping professions or enter the helping professions after high school or college (staffing).
  - Develop a plan to recruit and engage minority students in high school or community colleges to enter and remain in the helping professions (staffing).
- Identify and support the development and expansion of programs that work. These programs include:
  - Building Blocks Initiative that promotes rational and effective justice policies.
  - Culturally appropriate family-centered wrap-around programs.
  - Culturally appropriate blueprint programs such as Functional Family Therapy.
  - Community based natural support systems.
  - National and private sector strategies that address cultural competency in the workforce.

- Develop, support, and maintain model programs and program interventions, which have the potential to increase effective services and decrease over-representation.

In all, there are key conclusions found throughout the quantitative and qualitative data which indicate that:

- If minority youth over-representation is identified as a problem, things can be done to improve the situation. It is neither hopeless, nor useless, nor too complicated to effectively change.
- Things are better, but "better" is not to be confused with "good". This means minority youth are still over-represented, in some cases by several times their representation in the general community. What is better is that those rates have reduced from even higher rates of over-representation in many areas.
- There are policies, programs, and methods that work. Support and encouragement for these to continue and expand is critical.
- Coordination among private and public agencies in the state that work with the juvenile justice system is critical. A coherent and coordinated strategy should be developed among these groups to share resources and responsibilities in an ongoing, collaborative fashion.
- There is the need for ongoing evaluation and assessment. Regular "report cards" and similar evaluative tools should be continued to assess progress and keep the issues in public awareness.

We should not give up. There can be positive change and it can continue.

Lastly, we would like to extend a special thanks to the numerous individuals and organizations that assisted in preparing this report. Without them, this project could not have been completed.

## Glossary of Terms

Adjudication Hearing	In the juvenile court, the adjudication hearing is the proceeding in which a juvenile is found to be a delinquent or incorrigible youth. The hearing is relatively formal and is attended by the judicial officer, county attorney, defense attorney and the juvenile. Normally, the parents/guardians and a juvenile probation officer also attend, along with any victims or witnesses required. The adjudication hearing is sometimes compared to the trial process in adult court, without the jury. In some respects, an "adjudication" for a delinquent offense is the juvenile court's equivalent of a "criminal conviction" in adult court.
Adult Court	Adult court has been defined in statute as the appropriate justice court, municipal court or criminal division of superior court with jurisdiction to hear offenses committed by juveniles. The new law specifies that juveniles who commit certain offenses, who are chronic felony offenders, or who have historical prior convictions, must be prosecuted in the adult court and if convicted, are subject to adult sentencing laws.
Adult Probation	Adult probation is a function of the judicial branch of government and has as its primary responsibility the community-based supervision of adults convicted of criminal offenses, who are not sentenced to prison. Juveniles prosecuted as adults and who are placed on probation, are placed on adult probation.
AOC	Administrative Office of the Courts
Arizona Department of Juvenile Corrections (ADJC)	The ADJC is operated by the executive branch and is the juvenile counterpart of the Department of Corrections (DOC). ADJC operates facilities and programs primarily aimed at more serious juvenile offenders, ages 12 - 17, committed to their care and custody by the juvenile courts. ADJC operates secure correctional facilities, community-based after care programs and juvenile parole.
Chronic Felony Offender	A chronic felony offender is statutorily defined as a juvenile who has had two prior and separate adjudications and dispositions for conduct that would have been a felony offense had the juvenile been prosecuted as an adult, and who is charged with a third felony offense. The county attorney is required by statute to bring criminal prosecution in adult court against all juveniles 15 years of age or older, who are charged with committing a third felony offense. The county attorney has discretion to also indict 14-year-old juveniles as chronic felony offenders and to prosecute them as adults.
CJC	Community Justice Committee - a restorative justice model that holds youth accountable in their communities, also known as Community Justice Board.
COJET	Commission on Judicial Education and Training - education and training for judges and court personnel.

Community Service	When used as a "diversion" consequence, community service is unpaid work performed by a juvenile who admits to the delinquency or incorrigible charges and is eligible to have his/her prosecution "diverted" by the county attorney. Community service may also be a condition of juvenile probation. Community service work may involve such things as graffiti abatement, litter clean-up or any other public or private community assistance project under the supervision of the county attorney or juvenile court.
Community-Based Alternative Program (CBAP)	As used in Senate Bill 1446 and the new juvenile statutes, Community-Based Alternative Programs are not specifically defined. However, the term "CBAP" has been used generally in reference to citizen boards established throughout local communities by county attorneys and/or juvenile courts. In cases where the county attorney has authorized "diversion," the juvenile and his parent(s) or guardian(s) may be referred to a CBAP, where the panel of citizens will review the offense, question the juvenile and issue a consequence. The fundamental intent of this type of Community-Based Alternative Program is to increase citizen involvement in the juvenile justice process.
Complaint	By statute, a complaint is a written statement or report normally prepared by a law enforcement officer and submitted under oath to the juvenile court or the superior court, alleging that a juvenile has violated the law. It is also called a "delinquency complaint" or "written referral" (paper referral).
Cultural Competence	Cultural Competence is a combination of knowledge, attitudes, and policies within an agency, which allows individuals to work effectively in cross-cultural situations. This requires the willingness and ability to utilize community-based values, traditions, and practices in developing and evaluating interventions, communication, and other activities.
Delinquent Juvenile	A juvenile who commits an act that if an adult had committed it, the offense would be a criminal act.
DES	Arizona Department of Economic Security
Detention	Juvenile detention is specifically defined as the temporary confinement of a juvenile in a physically restricting facility, surrounded by a locked and physically restrictive secure barrier, with restricted ingress and egress. Juveniles are typically held in detention pending court hearings for purposes of public protection, their own protection or as a consequence for their misbehavior.
Discretionary Filings	The statutes permit the county attorney to bring criminal prosecution in adult court if the juvenile is 14 years of age or older and is accused of the serious, chronic and violent offenses enumerated in the law that warrant mandatory adult prosecution for juveniles 15 years of age or older. Essentially, county attorneys have full discretion in these instances to file a petition in juvenile court or to seek adult prosecution.

Disposition Hearing	A disposition hearing is conducted following the adjudication hearing to determine the most appropriate consequences for the juvenile. This hearing is comparable to a "sentencing hearing" in the adult criminal court. Simply stated, "disposition" refers to the process by which the juvenile court judge decides what to do with the juvenile.
Diversion	Diversion is a process by which formal court action (prosecution) is averted. The diversion process is an opportunity for youth to admit their misdeeds and to accept the consequences without going through a formal adjudication and disposition process. By statute, the county attorney has sole discretion to divert prosecution for juveniles accused of committing any incorrigible or delinquent offense.
DMC	Disproportionate Minority Confinement. The extent to which minority youth are confined (detention, Department of Juvenile Corrections, transfer to adult court) at a rate greater than their percent in the target population.
GITEM	The Arizona Department of Public Safety's Gang Intelligence and Team Enforcement Task Force responsible for assisting criminal justice agencies statewide in gang enforcement and investigative strategies.
Incorrigible Youth	Juveniles who commit offenses that would not be considered crimes if committed by adults are called status offenders (incorrigible youth). Typically, incorrigible youth are juveniles who refuse to obey the reasonable and proper directions of their parents or guardians. Juveniles who are habitually truant from school, run away from home, or violate curfew are considered to be incorrigible.
Intake	Intake occurs when a youth is referred to the juvenile probation department with a delinquent or incorrigible charge. Intake staff determines if a youth is eligible for diversion, per the county attorney's criteria, or whether the juvenile must be referred to the county attorney for possible prosecution. Intake officers meet with the juveniles and their parents, coordinate diversion consequences and issue reports to the court and county attorney.
JIPS	Juvenile Intensive Probation
JOLTS	Juvenile On Line Tracking System - a statewide juvenile probation and dependency management system.
Juvenile Intensive Probation Supervision (JIPS)	Arizona Revised Statutes (A.R.S. 8-351) defines JIPS as "a program . . . of highly structured and closely supervised juvenile probation . . . which emphasizes surveillance, treatment, work, education and home detention." A primary purpose of JIPS is to reduce the commitments to the Arizona Department of Juvenile Corrections (ADJC) and other institutional or out-of-home placements. The statutes require that all juveniles adjudicated for a second felony offense must be placed on JIPS or be committed to ADJC or sent to adult court.

Mandatory Offenses	The statutes mandate that certain serious, violent and chronic offenses, when committed by juveniles of a certain age, must be prosecuted in the adult criminal division of Superior Court. These "mandatory offenses" coincide with the crimes now enumerated in the State Constitution, as amended through the provisions of Proposition 102 and approved by Arizona voters at the 1996 general election.
MCJCC	Maricopa County Juvenile Court Center
MSW	A person with a Master's degree in Social Work
Parole	This term refers only to those juveniles who have been committed to ADJC and are then placed on juvenile "parole" upon their release. Juvenile parole is normally considered to be "conditional liberty." Parole is an executive branch function.
PCJCC	Pima County Juvenile Court Center
Petition	A "petition" is a legal document filed in the juvenile court alleging that a juvenile is a delinquent, incorrigible, or a dependent child and requesting that the court assume jurisdiction over the youth. The petition initiates the formal court hearing process of the juvenile court. The county attorney, who determines what charges to bring against the juvenile, prepares the petition.
PO	Probation Officer
Referrals	Police, parents, school officials, probation officers or other agencies or individuals requesting that the juvenile court assume jurisdiction over the juvenile's conduct can make referrals. Referrals can be "paper referrals" issued as citations or police reports or "physical referrals" as in an actual arrest and custody by law enforcement. Juveniles may have multiple referrals during any given year or over an extended period of time between the ages of 8-17. Multiple referrals typically signal high risk, even when the referrals are for numerous incorrigible, or relatively minor offenses.
RFP	Request for Proposals for funding of programs and projects
Rotation	Judicial rotation, each judge receiving a judicial assignment to juvenile court spends 5.5 years during a given rotation cycle.
RTC	Residential Treatment Center
Standard Probation	A program for the supervision of juveniles placed on probation to the court. These juveniles are under the care and control of the court and are supervised by probation officers.
TA	Technical Assistance
TDD	Telecommunication Device for the Deaf

Transfer Hearing	A transfer hearing is held when the county attorney requests that the juvenile court consider transferring its jurisdiction of the juvenile to the adult criminal division of Superior Court. The juvenile court judge may decide to waive or retain jurisdiction in such matters based on ARS § 8-327 but must state on the official court record the reasons for the decision.
Value Options	The Regional Behavioral Health Authority in Maricopa County.
Weed and Seed	A strategy begun in the early '90's to prevent, control, and reduce violent crime, drug abuse, and gang activity in targeted high-crime neighborhoods.

**Appendix A**

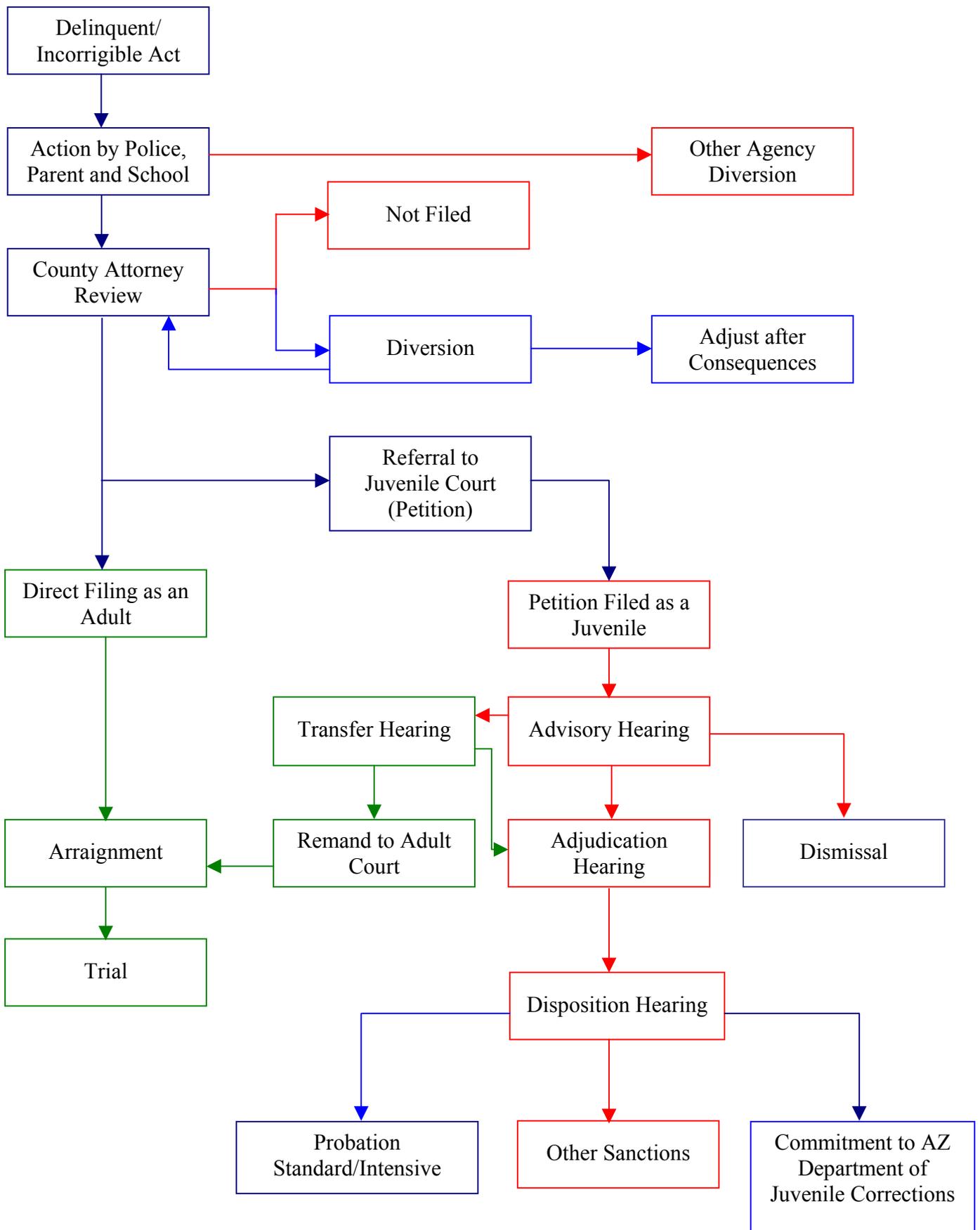
**FLOW CHART**

**JUVENILE**

**DELINQUENCY/INCORRIGIBLE**

**ACTS**

**COMMISSION ON MINORITIES**  
**EQUITABLE TREATMENT OF MINORITY YOUTH**  
**IN THE ARIZONA JUVENILE JUSTICE SYSTEM**



**APPENDIX B**

**A COMPARATIVE  
ANALYSIS**

**PIMA COUNTY**

A Comparative Analysis of Minority Over Representation in the  
Pima County Juvenile Justice System,  
1990 versus 2000

**COMMISSION ON MINORITIES  
EQUITABLE TREATMENT OF MINORITY YOUTH  
IN THE ARIZONA JUVENILE JUSTICE SYSTEM**

*Abstract*

The impetus of this analysis was to answer the question “Is there a significant shift in the number of minority youth (Hispanic, African American, Native American, Others) per stage of the juvenile justice system (referral, physical referral, petition, probation, remanded to department of corrections, and transfer to adult court) from 1990 through 2000? The data indicates that indeed there have been significant shifts in the number and percent of minority youth per stage from 1990 to 2000. Two conclusions can be deduced from this data. First there is a significant over representation of minority youth in the Pima County Juvenile Justice System. One reason for this is the dramatic over representation of African American youth when compared to the known 1995 population proportions. Their over representation has decreased from 1990 to 2000, however, they remain over represented by over 100% for five of the six stages of the juvenile justice system. Second, there has been a shift for Hispanic and Native American youth from being under represented in 1990 to being over represented in 2000 for most of the juvenile justice stages. This finding is in contrast to Anglo youth who were over represented in 1990 and under represented in 2000.

**June 14, 2001**

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## Background

The rate of over-representation of minority youth in the juvenile justice system has been well documented (Pope & Feyerhem, 1995) over the last six years. Indeed, reports sponsored by the Administrative Office of the Courts (AOC) indicate that minority youth are over-represented in the juvenile justice system in Arizona (Bortner et al, 1993). Pima County is no exception. In the Effects of Ethnicity on Post Referral Decision (Wood, 1995) it was demonstrated that indeed minority youth were over-represented in Pima County, however, their ethnicity was not a significant predictor of a youth's progression in the juvenile justice system.

Perhaps in response to this, the AOC Commission on Minorities posed an interesting question regarding minority over-representation. They asked: "Has the over-representation of minority youth gotten worse over the last 10 years?" (Conference call May 2001). It was assumed that the operational definition of "worse" was an increase or decrease in the relative proportion of minority groups (Hispanic, African American [Black], Native American, Asian and Others) from 1990 to 2000. As a result, the question posed for this analysis was refined to: "Is there a significant shift in the number of minority youth (Hispanic, Black, Native American, Others) per stage of the juvenile justice system (referral, physical referral, petition, probation, remanded to department of corrections, and transferred to adult court) from 1990 through 2000?" It was felt that this question provided the foundation for testing the hypothesis that any observed shift was the result of a significant shift as opposed to random fluctuations or chance.

## Assumptions & Methodology

Two methods were employed to answer the above question: A. Comparisons to Population Parameters, and B. Yearly Comparisons.

### A. Comparisons to Population Parameters

The first method of analysis compared aggregate data for 1990 and 2000 at each stage of the juvenile justice system to a criteria measure. The criteria was the relative proportion of juveniles per ethnic category in the juvenile population (8–18 year olds) as determined by the Arizona Department of Economic Security State Data Center as reported in AOC's *Juveniles Processed in the Arizona Court System FY95* (February 1996, p. 52).

These proportions were:

<b>Ethnicity</b>	<b>% of population</b>
<b>Anglo</b>	<b>50%</b>
<b>Hispanic</b>	<b>39%</b>
<b>African American</b>	<b>4%</b>
<b>Native American</b>	<b>4%</b>
<b>Asian</b>	<b>1.96%</b>
<b>Other</b>	<b>.09%</b>

These proportions represented the most accurate and recent estimates of the juvenile population parameters in Pima County. Unfortunately, the 2000 census data does not contain the ethnic distribution for this age group. The only available data is grouped in categories (e.g., 5-9 or 15-19), which do not reflect the 8–18 category needed for this analysis. As a result, the 1995 proportions were used as the criteria (expected values) for this analysis.

Given this, the number of juveniles per ethnic category stage of the juvenile justice process and year ( $O_{esy}$ ) was compared to the expected number ( $E_{esy}$ ) of juveniles. The expected values were derived by

$$E_{esy} = P_{e1995} * T_{sy}$$

Where:

$T_{sy}$  = Total number of juveniles per stage per year

$P_{e1995}$  =

<b>Ethnicity</b>	<b>% Of Population</b>
<b>Anglo</b>	<b>51 %</b>
<b>Hispanic</b>	<b>39 %</b>
<b>African American</b>	<b>4 %</b>
<b>Native American</b>	<b>4 %</b>
<b>Asian</b>	<b>1.96 %</b>
<b>Other</b>	<b>.09 %</b>

The results were expected values inserted into Chi square ( $\chi^2$ ) goodness of fit tests per stage and year.

In addition to  $\chi^2$ ,  $O_{esy}$  and  $E_{esy}$  were used to compute the + or - ratio between these two values for 1990 and 2000. That ratio was computed by

$$R_{+-} = \frac{O_{esy} - E_{esy}}{E_{esy}}$$

Thus, the percent of over- or under-representation for 1990 could be compared to the over- or under-representation per stage for 2000. It was assumed that the observed differences represented “real” differences in the juvenile justice population in Pima County. The reason for this assumption was that the data used in the analysis was the total population of juveniles in the Pima County juvenile justice system as opposed to a sample of these youth.

#### B. Yearly Comparisons

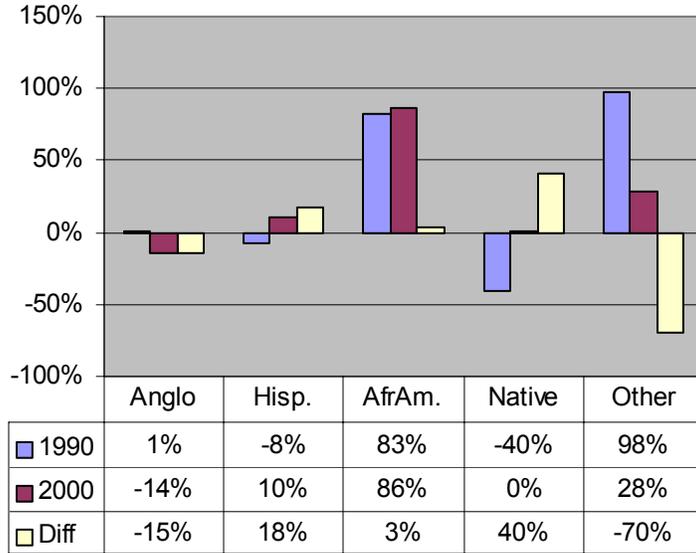
The observed data  $O_{\text{esy}}$  were subjected to  $\chi^2$  contingency analysis with ethnicity cross-tabulated with year. The data was entered into an SPSS file that allowed computation of both  $\chi^2$  and the more conservative log likelihood ratio. It was felt that the year comparisons per stage (1990 versus 2000) were valid because the relative increases and decreases were derived by comparing counts per year as opposed to comparing these counts to a population parameter. Granted, minority youth are over-represented in the Pima County juvenile justice system. The contingency analysis, however, provided a measure of the relative increase or decrease from 1990 through 2000.

### Results

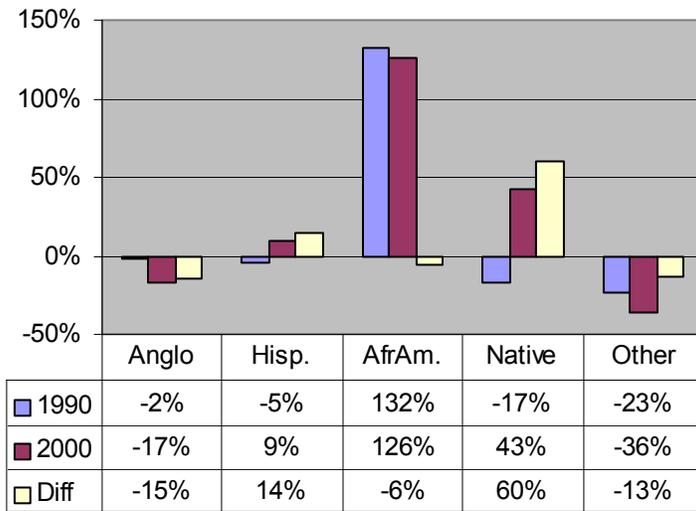
#### A. Comparisons to Population Parameters

The following charts include the percentage above or below the 1995 estimates of juveniles in Pima County between the ages of 8 and 18. It should be noted that the Asian youth were collapsed into the Other category. One reason for this was the relatively few number of Asian youth in the juvenile justice system in Pima County. Indeed, as sanctions increased, the number of Asian youth decreased to 0. Because of this, meaningful comparisons for this group were not possible.

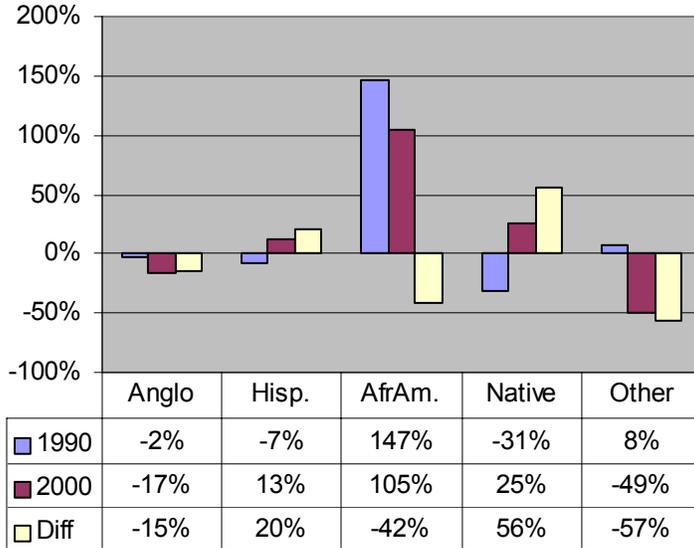
**Pima Co., Referrals % Change from Population Ethnicity Proportions**



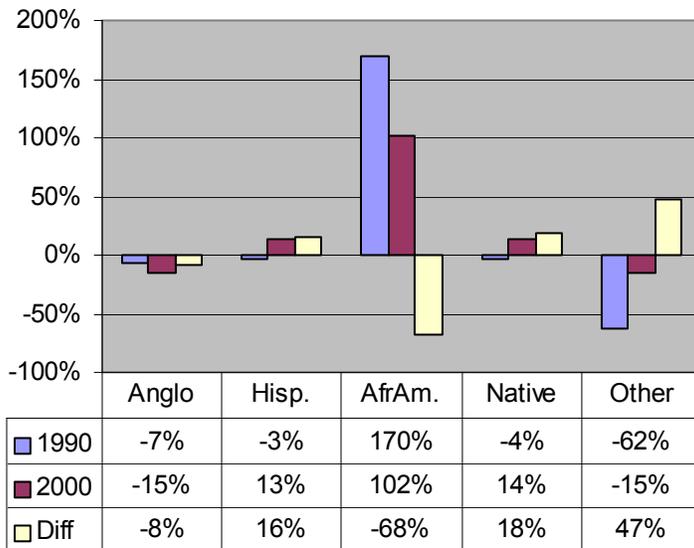
**Pima Co., Physical Referrals % Change from Population Ethnicity Proportions**



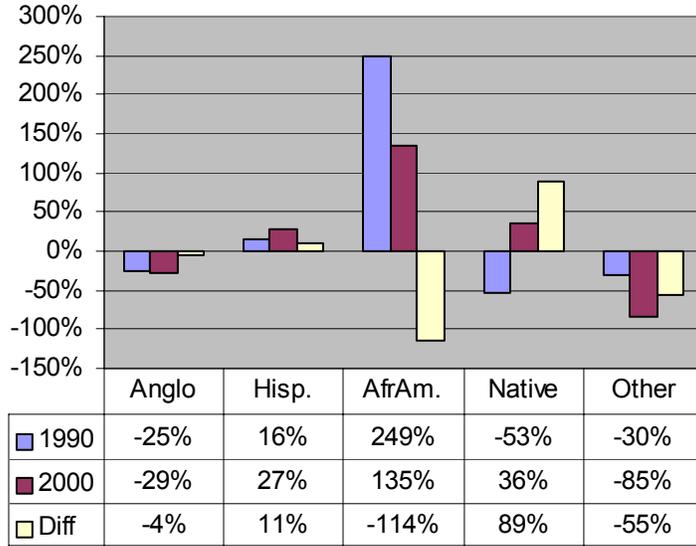
**Pima Co., Petitions % Change from Population Ethnicity Proportions**



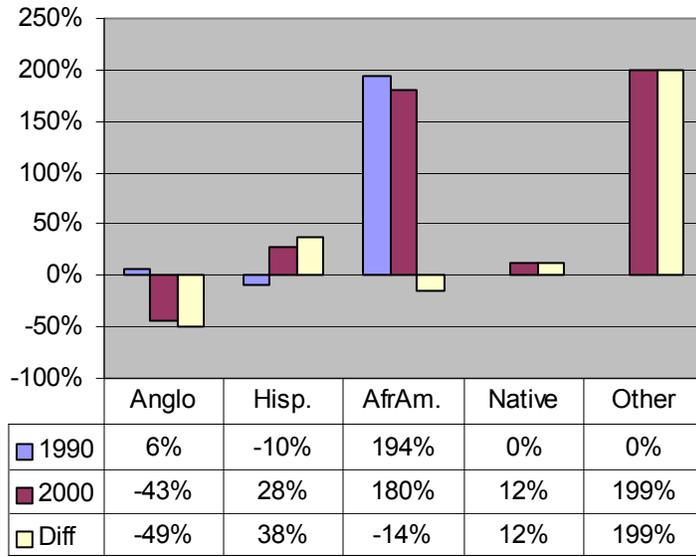
**Pima Co., Probation % Change from Population Ethnicity Proportions**



**Pima Co., ADJC % Change from Population Ethnicity Proportions**



**Pima Co., Adult Transfer % of Change from Population Ethnicity Proportions**



Review of the above revealed that Anglo youth in Pima County began the decade being slightly over-represented for each of the juvenile justice stages. By the year 2000, however, the opposite was observed. Anglo youth were consistently under-represented. The antithesis of this was observed for Hispanic youth. As can be seen from the above, by 2000 Hispanic youth were over-represented for each juvenile justice stage. With the exception of remands to ADJC, Hispanic youth were slightly under-represented in 1990 but became over-represented by 2000.

The most dramatic over-representation by any ethnic group was for the African American youth in Pima County. They are consistently over-represented from 1990 to 2000. Although their over-representation decreased from 1990 to 2000, they clearly are significantly over-represented in each stage of the juvenile justice system. One explanation for this is the relatively small percent (4%) of the 8–18 year old youth who are African American. For example, the total number of youth transferred to adult court was 134. Four percent of that number (the expected value) was five African American youth, yet 15 were transferred. Thus, African American youth were over-represented by 180%. Regardless of the small overall proportion in the population, they are over-represented at each stage of the juvenile justice system in Pima County.

Although the ratio of over-representation for African American youth decreased, the overall conclusion was that over-representation of minority youth appeared to have increased. Because of this, the data was subjected to a series of  $\chi^2$  tests for 1990 and 2000 per stage. The minority data was collapsed, which yielded a 2 x 2 goodness of fit table that compared the observed and expected values of Anglo youth to all minority youth. The following table contains the  $\chi^2$  probability values ( $\rho$ ) per year per stage of the juvenile justice system.

<b>Stage</b>	<b>1990 <math>\rho</math> Values</b>	<b>2000 <math>\rho</math> Values</b>
<b>Referrals</b>	$\rho = .373$	$\rho = 1.45E-47$
<b>Physical Referrals</b>	$\rho = .119$	$\rho = 8.35E-25$
<b>Petitions</b>	$\rho = .167$	$\rho = 1.12E-18$
<b>Probation</b>	$\rho = .053$	$\rho = 2.29E-10$
<b>ADJC</b>	$\rho = .001$	$\rho = 5.07E-07$
<b>Adult</b>	$\rho = .748$	$\rho = 1.84E-05$

With the exceptions of Probation and ADJC, there was no “significant difference” between the observed and expected values for Anglo versus minority youth in 1990. The opposite was true for 2000 data. As can be seen, all of the 2000 probability values were significant well beyond the .05 levels. For example, the scientific notation for referrals means that there was 47 0’s to the right of the decimal point that would then be followed by the value 145. Thus it could be concluded that the difference between the observed and expected population values for Anglo versus minority youth did not occur by chance. It was concluded, therefore, that the over-

representation of minority youth has indeed significantly increased during the last 10 years. Based on this data, one answer to the commission's questions would be, "Yes, over-representation has gotten worse."

B. Yearly Comparisons

Granted, there is over-representation of minority youth. Given this, the data was cast into a series (one per stage) of 2 x 5 contingency tables. Chi square ( $\chi^2$ ) and log likelihood ratios were calculated for each of these contingency tables. This allowed for comparisons between 1990 and 2000 within each stage, regardless of population parameters.

**Referral**

			YEAR		Total
			1999	2000	
ETHN	Anglo	Count	3422	4103	7525
		Expected Count	3137.3	4387.7	7525.0
		% within ETHN	45.5%	54.5%	100.0%
		% within YEAR	50.3%	43.1%	46.1%
	Hispanic	Count	2449	4078	6527
		Expected Count	2721.2	3805.8	6527.0
		% within ETHN	37.5%	62.5%	100.0%
		% within YEAR	36.0%	42.9%	40.0%
	Afr. Amr.	Count	499	708	1207
		Expected Count	503.2	703.8	1207.0
		% within ETHN	41.3%	58.7%	100.0%
		% within YEAR	7.3%	7.4%	7.4%
	Ntv. Amr.	Count	163	379	542
		Expected Count	226.0	316.0	542.0
		% within ETHN	30.1%	69.9%	100.0%
		% within YEAR	2.4%	4.0%	3.3%
	Other	Count	269	245	514
		Expected Count	214.3	299.7	514.0
		% within ETHN	52.3%	47.7%	100.0%
		% within YEAR	4.0%	2.6%	3.2%
Total		Count	6802	9513	16315
		Expected Count	6802.0	9513.0	16315.0
		% within ETHN	41.7%	58.3%	100.0%
		% within YEAR	100.0%	100.0%	100.0%

**Chi-Square Tests**

	Value	df	Asymp. Sig. (2-sided)
Pearson Chi-Square	145.115 <sup>a</sup>	4	.000
Likelihood Ratio	146.046	4	.000
Linear-by-Linear Association	17.604	1	.000
N of Valid Cases	16315		

a. 0 cells (.0%) have expected count less than 5. The minimum expected count is 214.30.

**Physical Referral**

			YEAR		Total
			1999	2000	
ETHN	Anglo	Count	1217	1267	2484
		Expected Count	1105.9	1378.1	2484.0
		% within ETHN	49.0%	51.0%	100.0%
		% within YEAR	49.0%	41.0%	44.6%
	Hispanic	Count	915	1327	2242
		Expected Count	998.1	1243.9	2242.0
		% within ETHN	40.8%	59.2%	100.0%
		% within YEAR	36.9%	42.9%	40.2%
	Afr. Amr.	Count	230	281	511
		Expected Count	227.5	283.5	511.0
		% within ETHN	45.0%	55.0%	100.0%
		% within YEAR	9.3%	9.1%	9.2%
	Ntv. Amr.	Count	82	178	260
		Expected Count	115.8	144.2	260.0
		% within ETHN	31.5%	68.5%	100.0%
		% within YEAR	3.3%	5.8%	4.7%
	Other	Count	38	40	78
		Expected Count	34.7	43.3	78.0
		% within ETHN	48.7%	51.3%	100.0%
		% within YEAR	1.5%	1.3%	1.4%
Total		Count	2482	3093	5575
		Expected Count	2482.0	3093.0	5575.0
		% within ETHN	44.5%	55.5%	100.0%
		% within YEAR	100.0%	100.0%	100.0%

### Chi-Square Tests

	Value	df	Asymp. Sig. (2-sided)
Pearson Chi-Square	50.953 <sup>a</sup>	4	.000
Likelihood Ratio	51.500	4	.000
Linear-by-Linear Association	25.041	1	.000
N of Valid Cases	5575		

a. 0 cells (.0%) have expected count less than 5. The minimum expected count is 34.73.

### Petition

			YEAR		Total
			1999	2000	
ETHN	Anglo	Count	812	1312	2124
		Expected Count	744.5	1379.5	2124.0
		% within ETHN	38.2%	61.8%	100.0%
		% within YEAR	48.9%	42.6%	44.8%
	Hispanic	Count	603	1319	1922
		Expected Count	673.7	1248.3	1922.0
		% within ETHN	31.4%	68.6%	100.0%
		% within YEAR	36.3%	42.9%	40.6%
	Afr. Amr.	Count	164	258	422
		Expected Count	147.9	274.1	422.0
		% within ETHN	38.9%	61.1%	100.0%
		% within YEAR	9.9%	8.4%	8.9%
	Ntv. Amr.	Count	46	157	203
		Expected Count	71.2	131.8	203.0
		% within ETHN	22.7%	77.3%	100.0%
		% within YEAR	2.8%	5.1%	4.3%
	Other	Count	36	32	68
		Expected Count	23.8	44.2	68.0
		% within ETHN	52.9%	47.1%	100.0%
		% within YEAR	2.2%	1.0%	1.4%
Total		Count	1661	3078	4739
		Expected Count	1661.0	3078.0	4739.0
		% within ETHN	35.0%	65.0%	100.0%
		% within YEAR	100.0%	100.0%	100.0%

**Chi-Square Tests**

	Value	df	Asymp. Sig. (2-sided)
Pearson Chi-Square	46.790 <sup>a</sup>	4	.000
Likelihood Ratio	47.342	4	.000
Linear-by-Linear Association	5.030	1	.025
N of Valid Cases	4739		

a. 0 cells (.0%) have expected count less than 5. The minimum expected count is 23.83.

**Probation**

			YEAR		Total
			1999	2000	
ETHN	Anglo	Count	427	828	1255
		Expected Count	401.7	853.3	1255.0
		% within ETHN	34.0%	66.0%	100.0%
		% within YEAR	46.7%	42.6%	43.9%
Hispanic	Hispanic	Count	347	854	1201
		Expected Count	384.4	816.6	1201.0
		% within ETHN	28.9%	71.1%	100.0%
		% within YEAR	37.9%	43.9%	42.0%
Afr. Amr.	Afr. Amr.	Count	99	157	256
		Expected Count	81.9	174.1	256.0
		% within ETHN	38.7%	61.3%	100.0%
		% within YEAR	10.8%	8.1%	9.0%
Ntv. Amr.	Ntv. Amr.	Count	35	89	124
		Expected Count	39.7	84.3	124.0
		% within ETHN	28.2%	71.8%	100.0%
		% within YEAR	3.8%	4.6%	4.3%
Other	Other	Count	7	16	23
		Expected Count	7.4	15.6	23.0
		% within ETHN	30.4%	69.6%	100.0%
		% within YEAR	.8%	.8%	.8%
Total	Total	Count	915	1944	2859
		Expected Count	915.0	1944.0	2859.0
		% within ETHN	32.0%	68.0%	100.0%
		% within YEAR	100.0%	100.0%	100.0%

**Chi-Square Tests**

	Value	df	Asymp. Sig. (2-sided)
Pearson Chi-Square	13.765 <sup>a</sup>	4	.008
Likelihood Ratio	13.691	4	.008
Linear-by-Linear Association	.786	1	.375
N of Valid Cases	2859		

a. 0 cells (.0%) have expected count less than 5. The minimum expected count is 7.36.

**DOJC**

			YEAR		Total
			1999	2000	
ETHN	Anglo	Count	81	117	198
		Expected Count	78.1	119.9	198.0
		% within ETHN	40.9%	59.1%	100.0%
		% within YEAR	37.7%	35.5%	36.3%
Hispanic	Hispanic	Count	97	163	260
		Expected Count	102.6	157.4	260.0
		% within ETHN	37.3%	62.7%	100.0%
		% within YEAR	45.1%	49.4%	47.7%
Afr. Amr.	Afr. Amr.	Count	30	31	61
		Expected Count	24.1	36.9	61.0
		% within ETHN	49.2%	50.8%	100.0%
		% within YEAR	14.0%	9.4%	11.2%
Ntv. Amr.	Ntv. Amr.	Count	4	18	22
		Expected Count	8.7	13.3	22.0
		% within ETHN	18.2%	81.8%	100.0%
		% within YEAR	1.9%	5.5%	4.0%
Other	Other	Count	3	1	4
		Expected Count	1.6	2.4	4.0
		% within ETHN	75.0%	25.0%	100.0%
		% within YEAR	1.4%	.3%	.7%
Total	Total	Count	215	330	545
		Expected Count	215.0	330.0	545.0
		% within ETHN	39.4%	60.6%	100.0%
		% within YEAR	100.0%	100.0%	100.0%

### Chi-Square Tests

	Value	df	Asymp. Sig. (2-sided)
Pearson Chi-Square	9.376 <sup>a</sup>	4	.052
Likelihood Ratio	9.770	4	.044
Linear-by-Linear Association	.047	1	.828
N of Valid Cases	545		

a. 2 cells (20.0%) have expected count less than 5. The minimum expected count is 1.58.

### Adult

			YEAR		Total
			1999	2000	
ETHN	Anglo	Count	18	38	56
		Expected Count	14.3	41.7	56.0
		% within ETHN	32.1%	67.9%	100.0%
		% within YEAR	39.1%	28.4%	31.1%
	Hispanic	Count	12	67	79
		Expected Count	20.2	58.8	79.0
		% within ETHN	15.2%	84.8%	100.0%
		% within YEAR	26.1%	50.0%	43.9%
	Afr. Amr.	Count	14	15	29
		Expected Count	7.4	21.6	29.0
		% within ETHN	48.3%	51.7%	100.0%
		% within YEAR	30.4%	11.2%	16.1%
	Ntv. Amr.	Count	1	6	7
		Expected Count	1.8	5.2	7.0
		% within ETHN	14.3%	85.7%	100.0%
		% within YEAR	2.2%	4.5%	3.9%
	Other	Count	1	8	9
		Expected Count	2.3	6.7	9.0
		% within ETHN	11.1%	88.9%	100.0%
		% within YEAR	2.2%	6.0%	5.0%
Total		Count	46	134	180
		Expected Count	46.0	134.0	180.0
		% within ETHN	25.6%	74.4%	100.0%
		% within YEAR	100.0%	100.0%	100.0%

### Chi-Square Tests

	Value	df	Asymp. Sig. (2-sided)
Pearson Chi-Square	18.758 <sup>a</sup>	4	.001
Likelihood Ratio	21.281	4	.000
Linear-by-Linear Association	1.147	1	.284
N of Valid Cases	178		

a. 3 cells (30.0%) have expected count less than 5. The minimum expected count is 1.48.

Review of the above series revealed a significant  $\chi^2$  and log likelihood ratios for each of the six cross-tabulations. This simply means that there was an association between the ethnicity variable and the year variable. If there were no differences from 1990 to 2000, the  $p$  would have been much less than .05. Thus, it could be concluded that there was an association between the years and juvenile ethnicity for each stage of the juvenile justice system in Pima County.

Each of the above were reviewed to determine which ethnicity category contributed to the significant  $p$  values. Inspection of the referral cross-tabulation revealed that Anglo youth went from being above the expected value in 1990 to less than the expected value for 2000. The same change was observed for the Other category. The opposite was observed for Hispanic and Native American youth referred to the Pima County Juvenile Court. Thus, it could be concluded that these groups were more over-represented in 2000 than in 1990.

Inspection of the physical referral cross-tabulation revealed that Anglo youth went from being above the expected value in 1990 to less than the expected value for 2000. The opposite was again observed for Hispanic and Native American youth physically referred to the Pima County Juvenile Court. It was concluded, therefore, that these groups were more over-represented in 2000 than in 1990 for physical referrals.

The petition cross-tabulation revealed that Anglo youth went from being above the expected value in 1990 to less than the expected value in 2000. The opposite was observed for Hispanic and Native American youth. The conclusion was that these groups were more over-represented in 2000 than in 1990.

Review of the probation cross-tabulation revealed that Anglo and African American youth went from being above the expected value in 1990 to less than the expected value in 2000. The opposite was observed for Hispanic youth. As a result, it was concluded that they were placed on probation more in 2000 than in 1990.

The Department of Correction cross-tabulation revealed that African American youth went from being above the expected value in 1990 to less than the expected value in 2000. Because of this it was concluded that they were incarcerated at a lower rate in 2000 than in 1990.

Finally the adult transfer analysis yielded a shift for Hispanic youth from being under the expected value in 1990 to being over the expected value in 2000. The opposite was observed for African American youth. It appeared that Hispanics were transferred more in 2000 than in 1990 and African American youth were transferred at a lower rate.

## Conclusion

It will be remembered that the impetus of this analysis was to answer the question “Is there a significant shift in the number of minority youth (Hispanic, Black, Native American, Others) per stage of the juvenile justice system (referral, physical referral, petition, probation, remanded to department of corrections, and transfer to adult court) from 1990 through 2000? The data indicates that indeed there have been significant shifts in the number and percent of minority youth per stage from 1990 to 2000. Two conclusions can be deduced from this data. First there is a significant over representation of minority youth in the Pima County Juvenile Justice System. One reason for this is the dramatic over representation of African American youth when compared to the known 1995 population proportions. Their over representation has decreased from 1990 to 2000, however, they remain over represented by over 100 % in each of the six stages of the juvenile justice system. Second, there has been a shift for Hispanic and Native American youth from being under represented in 1990 to being over represented in 2000 for most of the juvenile justice stages.

# **APPENDIX C**

# **AZ DEPARTMENT OF JUVENILE CORRECTIONS COMMITMENT PRACTICES**

**Commission on Minorities  
Equitable Treatment of Minority Youth  
in the Arizona Juvenile Justice System**



**DAVID A. GASPAR  
DIRECTOR**

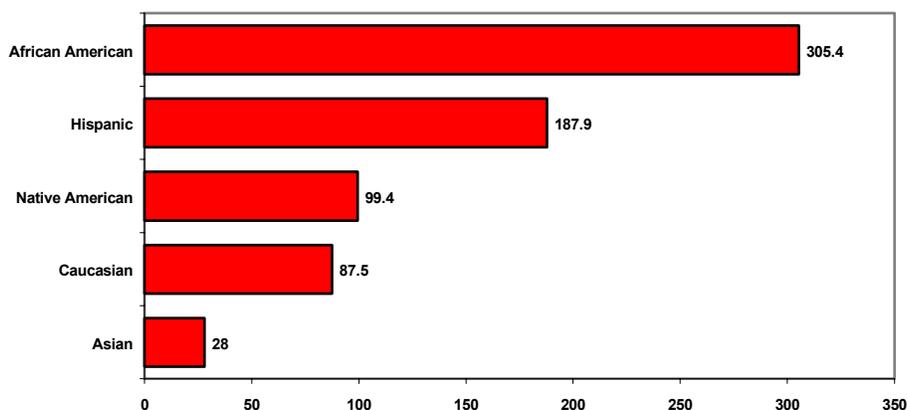
**SOME FACTS RELATING TO  
ADJC COMMITMENT PRACTICES**

**Submitted to**

**Administrative Office of the Courts  
Commission on Minorities  
Youth Services Subcommittee**

Research and Development  
June 14, 2001

ADJC COMMITMENT RATES BY RACE: 2000



NEW AND RECOMMITMENTS		
Ethnicity/Race	Jan - Aug 1992	2000
Hispanic	296 (44.3%)	416 (43.1%)
Caucasian	239 (35.3%)	370 (38.3%)
African American	89 (13.3%)	85 (8.8%)
Native American	26 (3.9%)	55 (5.7%)
Mexican National	14 (2.1%)	34 (3.5%)
Asian	2 (.3%)	4 (.4%)
Other	1 (.1%)	2 (.2%)
Unknown	1 (.1%)	0
<b>Total</b>	<b>668 (100%)</b>	<b>966 (100%)</b>

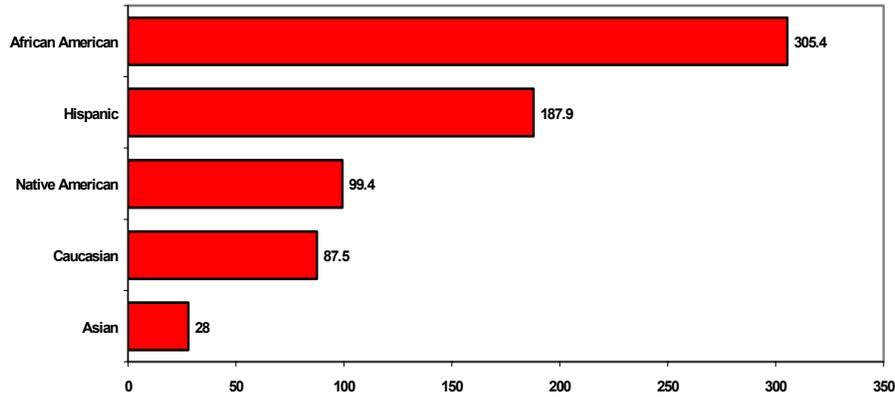
Hispanics (43.1%) comprised the largest racial category of new commitments in 2000 followed by Caucasians (38.3%), African Americans (8.8%), Native Americans (5.7%), Mexican Nationals (3.5%), Asians (.4%) and Others (.2%). There was a statistically significant difference ( $X^2=203.6$ ,  $p < .01$ ) between the commitment racial proportions and those in the general Arizona population.

Except for African Americans (which posted a decline), the proportion of commitments by racial category has remained relative constant between 1992 and 2000.

African Americans (305.4 per 100,000) had the highest commitment rate in 2000, followed by Hispanic (187.9), Native American (99.4), Caucasian (87.5) and Asian (28). Indeed, African Americans had a commitment rate that was more than triple (3.5) the Caucasian rate.

## PAROLE SUSPENSIONS

ADJC COMMITMENT RATES BY RACE: 2000

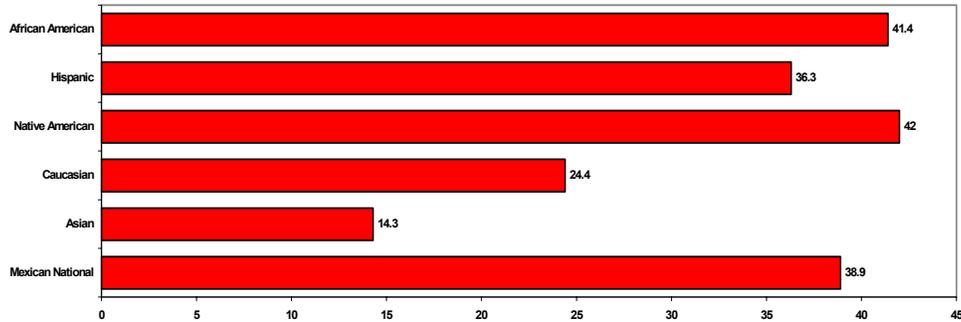


Ethnicity/Race	Jan 1991 - Aug 1992	2000
<b>Hispanic</b>	1107 (44.8%)	329 (48.8%)
<b>Caucasian</b>	840 (34%)	203 (30.1%)
<b>African American</b>	412 (16.7%)	86 (12.8%)
<b>Native American</b>	80 (3.2%)	37 (5.5%)
<b>Mexican National</b>	10 (.4%)	15 (2.2%)
<b>Asian</b>	22 (.9%)	4 (.6%)
<b>Other</b>	1 (.04%)	0
<b>Unknown</b>	3 (.1%)	0
<b>Total</b>	2475 (100%)	674(100%)

- Hispanics (48.8%) comprised the largest racial category of Parole Suspensions in 2000 followed by Caucasians (30.1%), African Americans (12.8%), Native Americans (5.5%), Mexican Nationals (2.2%), and Asians (.6%).
- There were small changes in the proportion of Parole Suspensions by racial category between 1991/1992 and 2000: the proportion of Hispanics, Native Americans and Mexican Nationals increased; the proportion of Caucasians, African Americans and Asians decreased.
- African Americans (61.4 per 100) highest Parole Suspension rate in 2000 followed by Asians (57.1), Native Americans (53.6), Hispanics (49.2), Mexican Nationals (41.7) and Caucasians (40.2).

## PAROLE REVOCATION

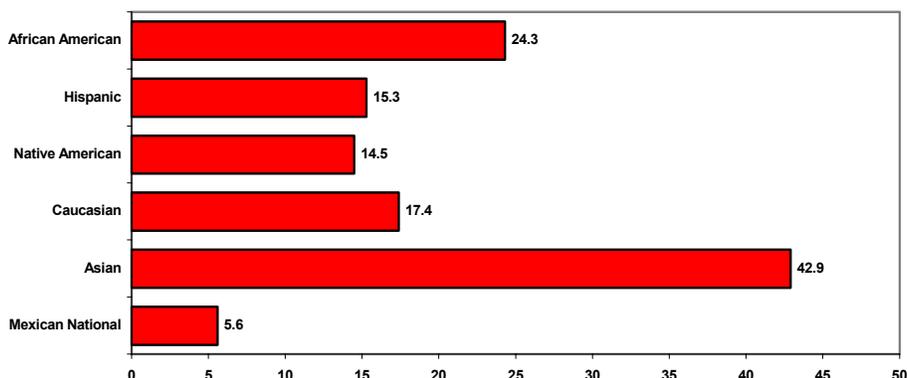
ADJC PAROLE REVOCATIONS RATES BY RACE: 2000



Ethnicity/Race	Jan 1991 - Aug 1992	2000
<b>Hispanic</b>	757 (47.7%)	243 (51.9%)
<b>Caucasian</b>	493 (31.1%)	123 (26.3%)
<b>African American</b>	251 (15.8%)	58 (12.4%)
<b>Native American</b>	55 (3.5%)	29 (6.2%)
<b>Mexican National</b>	10 (.6%)	14 (3%)
<b>Asian</b>	20 (1.3%)	1 (.2%)
<b>Other</b>	0	0
<b>Unknown</b>	0	0
<b>Total</b>	1586 (100%)	468 (100%)

- Hispanics (51.9%) comprised the largest racial category of Parole Revocations in 2000 followed by Caucasians (26.3%), African Americans (12.4%), Native Americans (6.2%), Mexican Nationals (3%), and Asians (.2%). There was a statistically significant ( $X^2=17.4$ ,  $p < .01$ ) difference between the racial proportions of juveniles on parole and those that had their parole revoked. More Hispanics, Native Americans and Mexican Nationals were revoked than expected.
- There were small changes in the proportion of Parole Revocations by racial category between 1991/1992 and 2000: the proportion of Hispanics, Native Americans and Mexican Nationals increased; the proportion of Caucasians, African Americans and Asians decreased.
- Native Americans had the highest Parole Revocation rate (42 per 100) in 2000, followed closely by African Americans (41.4), Mexican Nationals (38.9), Hispanics (36.3), Caucasians (24.4) and Asians (14.3).

ADJC PAROLE REINSTATEMENT RATES BY RACE: 2000



PAROLE REINSTATEMENT		
Ethnicity/Race	Jan 1991 - Aug 1992	2000
Hispanic	350 (39.4%)	102 (42.7%)
Caucasian	347 (39%)	88 (36.8%)
African American	161 (18.1%)	34 (14.2%)
Native American	25 (2.8%)	10 (4.2%)
Mexican National	0	2 (.8%)
Asian	2 (.2%)	3 (1.3%)
Other	1 (.1%)	0
Unknown	3 (.3%)	0
<b>Total</b>	<b>889 (100%)</b>	<b>239(100%)</b>

- Hispanics (42.7%) comprised the largest racial category of Parole Reinstatements in 2000 followed by Caucasians (36.8%), African Americans (14.2%), Native Americans (4.2%), Asians (1.3%) and Mexican Nationals (.8%).
- There were small changes in the proportion of Parole Reinstatements by racial category between 1991/1992 and 2000: the proportion of Hispanics, Native Americans, Asians and Mexican Nationals increased; the proportion of Caucasians and African Americans decreased.
- Asians had the highest Parole Reinstatement rate (42.9 per 100) in 2000, followed by African Americans (24.3), Caucasians (17.4), Hispanics (15.3) Native Americans (14.5) and Mexican Nationals (5.6)