

2018

# Equitable Treatment of Minority Youth



Arizona Supreme Court  
Administrative Office of the Court  
Commission on Minorities

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## Message from the Commission

Arizona is required, by federal law, to maintain and report data on disproportionate minority contact (DMC) on an ongoing basis and to make efforts to reduce any disparity that may exist. Arizona had been monitoring DMC on a statewide level for over a decade and partnered with local jurisdictions to combat DMC in our courts. This a tireless effort and the work continues.

One notable accomplishment is the collaboration between the Governor's Juvenile Justice Commission and the Commission on Minorities in the Judiciary in combining efforts to reduce the incidence of DMC by establishing the Arizona Statewide DMC Committee. As a result, Arizona partnered with Arizona State University to examine the data in detail and explore the factors that may contribute to the DMC, and the report of its findings, *Arizona Juvenile Justice System: Disproportionate Minority Contact Assessment*, was published in 2014. The Commission on Minorities in the Judiciary then reached out to the Presiding Juvenile Court Judge of each county, and their court leadership teams should be commended for their courage and commitment in paying critical attention to procedural fairness.

This is the 6<sup>th</sup> Arizona Statewide Report Card on the Equitable Treatment of Minority Youth. These reports have challenged juvenile court judges, court administration, county attorneys, and many other judicial employees and community leaders, to ensure all youth in the Arizona juvenile justice system are provided with fair and equitable justice. The report indicates improvements in some areas and things remaining unchanged in other areas, with a few decision points getting worse.

The purpose of this report is to analyze each major decision-point in the juvenile justice continuum to determine whether all youth are receiving similar treatment. It is our intent that this report be used as a tool by juvenile court leadership teams and policy makers to prioritize and focus their efforts in creating fair outcomes for all children who have contact with Arizona's juvenile courts. It is a great undertaking and there remains much work to be done.

The Commission on Minorities in the Judiciary would like to thank Helen Gandara with the Governor's Juvenile Justice Commission for her committed efforts in addressing racial and ethnic disparities statewide. Additionally, Dr. Deborah Jones of the Administrative Office of the Courts, and Dr. Joanne Basta of Pima County Juvenile Court, the Honorable Joan Wagener and Dr. Catharina Johnson of Maricopa County Juvenile Probation are to be commended for their work with producing this report and work presenting these findings with jurisdictions statewide.

Respectfully submitted,

Frankie Jones,  
Chair, Commission on Minorities in the Judiciary

## Executive Summary

In response to recommendations from the 2002 Equitable Treatment of Minority Youth report produced by the Arizona Supreme Court Commission on Minorities in the Judiciary (COM), a statewide report card was created to assess progress on the reduction of over-representation of minority youth in the juvenile justice system. This is the sixth report card produced.

These statewide report cards are essential to work on equitable treatment, as they provide a framework for understanding potential issues at hand. As the Office of Juvenile Justice and Delinquency Prevention states, measuring racial and ethnic disparities is similar to taking vital signs. It alerts one to potential problems and helps focus efforts to address those problems. This report card, as well as previous publications, fulfills this need by detecting possible areas of concern within the juvenile justice system.

This report measures over- and under-representation of minorities at key decision points of the juvenile court process from referral to disposition. Data presented at each of these decision points illustrate contact with the juvenile system experienced by each racial group. Percentages as well as Relative Rate Indexes (RRI) are used to assess differences at the decision points. It is important to note that factors such as offense severity or prior offense history are not included in the analysis of these reports, which may impact processing decisions.

The following provides a summary of the report findings from the FY2016 analysis.

### Key Findings

- Overall, percentages and Relative Rate Indexes (RRIs) at each decision point indicated minorities, particularly Hispanics, African Americans and Native Americans, may be overrepresented in the juvenile justice system compared to White juveniles.
- Two racial/ethnic groups had a substantial over-representation at the referral stage. African American juveniles were referred at 3.7 times the rate of White youth and Native Americans were referred at 1.8 times the rate of White youth.
- About 1 in 5 referrals result in the use of detention. All minority groups showed some overrepresentation at this stage, except for Asians. Most notably, Native American youth were detained for a referral at 2.5 times the rate of White juveniles.
- The RRIs for petition filed were slightly over 1, which indicates minorities are somewhat overrepresented at this stage. Native Americans had the greatest disparity at this stage.
- Diversion was consistent across the different racial/ethnic groups with RRIs close to 1.
- Direct file to adult court continues to be the decision point with the greatest disparities. African American youth were direct filed at almost 5 times the rate as White youth. Hispanic youth were direct filed at over 3 times the rate as White youth.
- Most petitions, about 67%, result in adjudication of guilt. Percentages and RRIs at this stage did not indicate the presence of over- or under-representation for minorities, except for Asian youth who had an RRI of 1.3.
- Transfer to adult court occurred for 10 juveniles. This was too small of a sample for analysis.
- Percentages and RRIs at disposition were fairly similar across the different racial groups. Most juveniles receive some form of probation as their disposition. However, Hispanic and Native American youth are overrepresented in JIPS. Hispanic and Asian youth were also overrepresented in commitments to the Arizona Department of Juvenile Corrections.

## Data and Methodology

Data was extracted from the Juvenile On-Line Tracking System (JOLTSaz) and the Integrated Court Information System (ICIS) used in Maricopa County. Data from both systems were combined and recoded for uniformity. All data presented is for individual juveniles referred which is presented in Table 1. Each number represents one juvenile. Although juveniles may be referred to the Court multiple times, the juvenile is counted once since the comparison population of Arizona juveniles aged 8 to 17 is a unique count.

This report provides two types of information: percentages and relative rates. Percentages show the proportion of each racial/ethnic group at a particular decision point (referral, detention, petition, etc.) based on total number of juveniles at that decision point. Relative Rates (RRI) offer a comparison to White youth. This allows for an assessment of the degree of over- or under-representation of minority youth in the juvenile justice system.

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

The population for this report is all juveniles referred during Fiscal Year (FY) 2016. For comparison purposes, the appendix includes RRIs from the past report cards starting in 2002. The juveniles referred in each of those years represent a cohort that was followed until disposition. African American, White, Hispanic and American Indian youth are presented in this report.

Any juvenile court activity that occurred after FY2016 was not captured for this report. Therefore, while most of the referrals are followed through disposition, some were still pending.

## Decision Points Reviewed

A decision point is one step in the juvenile justice process in which a decision is made by an official in the justice system (i.e., judge, prosecutor, law enforcement). This report reviews the following

### What is a Relative Rate Index (RRI)?

The Relative Rate Index (RRI) is a measure of over- and under-representation used by the Office of Juvenile Justice and Delinquency Prevention. **It is designed to be an “early warning sign” measure, not an outcome.** It should be used to point out problems so that the systems attention can be more effectively focused.

The RRI is a comparison of rates of occurrence for racial/ethnic groups. A rate of occurrence is the number of cases of a juvenile justice event (for example, referral) in terms of another event (for example, juvenile population).

The RRI is calculated by taking the rate of occurrence of events for one race/ethnicity divided by the rate of occurrence of that same event for another race/ethnicity. For this report, the base comparison group is White. The RRI score is not calculated for any group whose proportion of the population is less than 1%.

An RRI of greater than one indicates some degree of over-representation, likewise an RRI less than one points to a degree of under-representation and warrants further attention.

decision points and compares the numbers of youth at each point to the numbers of youth at a previous point or event for comparison (see the Glossary for further explanation):

- Referral
- Detention
- Formal Court Processing (Diversion, Petition Filed, No Petition Filed, Direct Filed in Adult Court)
- Petition Outcomes (Adjudicated, Transferred to Adult Court)
- Court Dispositions (Penalty Only, Department of Juvenile Corrections, Probation (standard or intensive))

This methodology was adopted from the Office of Juvenile Justice and Delinquency Prevention (see <https://www.ojjdp.gov/ojstatbb/dmcdcb/asp/matrix.asp>).

## Results

### Referral

In FY2016, 23,207 juveniles were referred to the Juvenile Court in Arizona. This represents 2.3% of Arizona's juvenile population ages 8 – 17. Table 1. provides the relative rate indexes for this decision point. The RRI indicates that the rate of referral for African American juveniles is 3.7 times that of White juveniles. This means for every 1 white juvenile who is referred to Juvenile Court, 3.7 African American juveniles are referred in relation to their community population. Hispanic (1.4) and Native American (1.8) juveniles were referred at a slightly higher rate than White juveniles. On the other hand, the rate of referral for Asians (0.2) was less than that of White juveniles.

Table 1. Arizona Population and Referrals, FY2016

	Number		Percentage		RRI
	Arizona Population	Juveniles Referred	Arizona Population	Juveniles Referred	
White	520,420	10,240	54.7%	44.1%	1.0
Hispanic	305,402	8,304	32.1%	35.8%	1.4
African American	36,153	2,614	3.8%	11.3%	3.7
Native American	38,056	1,344	4.0%	5.8%	1.8
Asian	31,396	151	3.3%	0.7%	--
Other	19,028	554	2.0%	2.4%	1.5
Total	951,407	23,207	100.0%	100.0%	--

## Detention

In FY2016, approximately 1 out of 5 referrals were physical referrals meaning the juvenile was detained. This means that most juveniles, over 80%, who were referred to court did not go to a detention facility at time of referral. In FY2016, 2,337 juveniles were detained for a referral. For this decision point, detention, RRIs are calculated with referrals as the denominator. Also, note that this decision point is limited to detentions for referrals which is about 32% of detentions. Most detentions occur for other reasons such as probation violation, warrants, or as court consequences. In FY16, about 7,301 juveniles were detained for all reasons.

Overall, each minority group had an RRI close to 1 except for Native Americans. This means that each minority racial/ethnic group experienced detainment for a paper referral at about the same rate as White juveniles. Native Americans were detained for a referral at 2.5 times the rate as White juveniles. While Native American only made up 5.2% of referrals, they accounted for 11.3% of referrals.

Table 2. Detention Relative Rate Indexes, FY2016

	Number		Percentage		RRI
	Juveniles Referred	Juveniles Detained	Juvenile Referred	Juveniles Detained	
White	10,240	775	44.1%	34.6%	1.0
Hispanic	8,304	888	34.8%	39.7%	1.4
African American	2,614	302	12.0%	13.5%	1.5
Native American	1,344	252	5.2%	11.3%	2.5
Asian	151	3	0.4%	0.1%	--
Other	554	17	3.5%	0.8%	--
Total	23,207	2,237	100.0%	100.0%	--

## Formal Court Processing

Referrals may result in formal court processing (Petitions or Direct File to Adult Court) or informal court processing (Diversion or No Petition Filed). It is possible for a referral to be diverted and then be filed as a petition if the consequence (sanction) is not completed. Of the juveniles referred in FY2016, Diversion was the most common outcome accounting for 45% of the juveniles. Approximately 34% of referred juveniles received a petition.

Table 3. Court Processing Relative Rate Indexes, FY2016

	White Referred	Hispanic Referred	African American Referred	Native American Referred	Asian Referred	All Referred
Total	10,240	8,304	2,614	1,344	151	22,653
<b>Percentage</b>						
No Petition	23.9%	14.6%	14.5%	7.9%	5.3%	20.0%
Diversion	45.8%	45.8%	41.2%	39.4%	51.7%	45.0%
Petition Filed	29.8%	38.1%	42.0%	51.7%	42.4%	34.0%
Direct Filed	0.5%	1.5%	2.3%	1.0%	0.7%	1.1%
<b>RRI</b>						
No Petition	1.0	0.6	0.6	0.3	0.2	--
Diversion	1.0	1.0	0.9	0.9	1.1	--
Petition Filed	1.0	1.3	1.4	1.7	1.4	--
Direct Filed	1.0	3.2	4.9	2.1	--	--

When examining the RRIs, minority groups were slightly more likely to have a petition filed and conversely not receive diversion. While a petition moves a juvenile farther into the system, Diversion is a process that allows juveniles to avoid formal court processing if one or more conditions are completed and the juvenile accepts responsibility for the offense. For Diversion, an RRI less than one indicates less opportunity and disparities.

All minority youth were more likely to be direct filed in adult court than White youth with African American youth most over-represented with a rate almost 5 times that of White youth. Hispanic and Other were direct filed at over 3 times the rate of White juveniles and Native Americans more than double compared to White juveniles. Over the years, Direct File has remained the decision point with the greatest RRI differences. A juvenile may be direct filed to adult court for several different reasons.

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*About 75% of juveniles direct filed to adult court in FY2016 were mandatory by statute. Conversely, 25% were at the discretion of the county attorney.*

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A juvenile aged 15 or older must be directly filed into adult court if accused of murder, forcible sexual assault, armed robbery, or other specified violent offenses. A juvenile will also be direct filed if previously convicted in adult court or if the juvenile has two prior felony adjudications and is arrested for a third felony. Finally, a juvenile who is 14 and a chronic offender or who is 14 or older and has committed one of a specified set of offenses may be direct filed in adult court at the discretion of the county attorney. Most juveniles in FY2016, approximately 75% were mandatory direct files. The direct filings are the least common case outcome. Less than one percent of referrals result in a direct file to adult court.

## Petition Outcomes

This section of the report looks at three general categories of outcome that follow a petition: adjudicated, transfer to adult court (pending a transfer hearing), and non-adjudication. The majority of juveniles petitioned, received an adjudication of guilt (66.7%). The RRIs for this decision point were all close to 1, indicating outcomes are similar for youth regardless of their racial or ethnic group.

In FY2016, only 10 juveniles were transferred to adult court. This population is less than 1% of petitioned juveniles, which is too small for interpretation. Furthermore, only two groups, White and Hispanic, received transfers.

Table 4. Petition Outcomes Relative Rate Indexes, FY2016

	White Petitioned	Hispanic Petitioned	African American Petitioned	Native American Petitioned	Asian Petitioned	All Petitioned
Total	3,053	2,968	1,125	608	39	7,793
<b>Percentage</b>						
Adjudicated	69.7%	61.1%	70.2%	73.2%	87.2%	66.7%
Transferred	0.1%	0.3%	--	--	--	0.1%
<b>RRI</b>						
Adjudicated	1	0.9	1.0	1.0	1.3	--
Transferred	--	--	--	--	--	--

## Court Dispositions

Adjudicated petitions can result in three main dispositions: Penalty Only, Probation, and Commitment to the Arizona Department of Juvenile Corrections (ADJC). Probation is the most common disposition. Almost 80% of disposed juveniles are placed on either standard or intensive probation. All of the RRIs at this decision point are very close to 1, which indicates juveniles are

receiving the same outcomes across the different racial and ethnic groups. However, Hispanic and Native American youth were slightly more likely to receive intensive probation over standard. Hispanic and Asian youth were slightly more likely to be committed to ADJC (RRI of 1.7 each).

Table 5. Court Dispositions Relative Rate Indexes, FY2016

	White Adj.	Hispanic Adj.	African American Adj.	Native American Adj.	Asian Adj.	All Adj.
Adjudicated	2,129	1,814	790	445	34	5,221
<b>Percentage</b>						
Penalty Only	6.8%	11.3%	9.6%	8.1%	5.9%	8.9%
Probation	80.5%	80.8%	76.1%	75.7%	61.8%	79.7%
Standard	72.0%	65.4%	70.6%	64.7%	61.8%	69.1%
JIPS	8.5%	15.4%	5.4%	11.0%	0.0%	10.6%
ADJC	3.1%	5.4%	4.1%	3.4%	5.9%	4.1%
<b>RRI</b>						
Penalty Only	1.0	1.7	1.4	1.2	0.9	--
Probation	1.0	1.0	0.9	0.9	0.8	--
Standard	1.0	0.9	1.0	0.9	0.9	--
JIPS	1.0	1.8	0.6	1.3	--	--
ADJC	1.0	1.7	0.7	0.8	1.7	--

## Discussion

In general, this report suggests over-representation is still occurring at most decision points in Arizona's juvenile justice system. Hispanics, African Americans and Native American tended to have the most significant over-representation at referral and at the deep end involvement of the juvenile justice system, detention and Direct Filing to Adult Court. Asian youth, on the other hand, were under-represented at several decision points except commitments to ADJC.

In comparison to national statistics, Arizona has slightly higher RRIs at some decisions points – referral, detention, petition, and direct file – indicating greater disparities. At two decision points, adjudication and probation, Arizona and national RRIs are very similar. At diversion and commitment to ADJC, Arizona appears to be somewhat better than national rates.

Both five-year and 10-year historical trends are presented in the appendix. Historically, Arizona has mostly shown an upward trend in increased overrepresentation of minorities. Detention at the referral stage, however, has improved for African American youth over the last 10 years. During this same timeframe, relative rate indexes for other minorities – Hispanic and Native Americans, have increased.

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*Since the previous report card, there have been several positive changes and encouraging programs implemented throughout the state aimed at reducing racial and ethnic disparities.*

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Since the previous report card, there have been several positive changes and encouraging programs implemented throughout the state aimed at reducing racial and ethnic disparities. Some examples of these promising efforts include adopting a statewide, standardized assessment tool to guide decisions to detain juveniles, providing intensive training and awareness programs to officers and staff, and increasing the use of data to drive decision making. Additionally, some counties have adopted a 'Kids at Hope' philosophy along with building HOPE centers for juveniles. Finally, collaboration with other agencies such as Department of Child Safety continues (especially regarding youth who crossover to/from delinquency to dependency), and several counties continue their initiative work as JDAI (Juvenile Detention Alternatives Initiative) sites. These are just a few of the many state and county-specific efforts. Overall, there is an ever-present, ongoing commitment to addressing this complex issue.

#### *Key Findings*

The Relative Rate Index (RRI) score provides a statistical comparison of each minority group to White youth. The RRI scores indicate over- or under-representation. Both the percentages and the RRI suggest that, at the state level, the juvenile courts began with a disproportionate number of African American youth before any court/probation decisions were made. African American youth were referred at a rate almost 4 times (RRI of 3.7) than would be expected by their representation in the overall juvenile population. African American youth made up 3.8% of the general population but accounted for 11.3% of referrals. American Indian were referred at almost double that of White youth (RRI 1.8) and Hispanic youth were referred at 1.4 the rate of White youth. On the other end, Asian youth were the least likely to be referred and were underrepresented (RRI 0.2).

Across the state, most juvenile referrals come to the juvenile court as paper referrals. Less than one-fifth of the juveniles are even brought to detention. Instead, over 4/5 of juvenile referrals are sent directly to the court or county attorney. Native Americans showed the most significant over-representation at this stage. They were detained for a paper referral at 2.5 times the rate of White juveniles. Hispanic and African American youth were detained and about 1.5 times the rate of White youth. Asian youth were under-represented with an RRI of less than 1 (0.3).

Referrals to the juvenile court can be diverted or not filed at all, filed as a petition, or direct filed in adult court. At this stage, decisions appeared to be fairly uniform. Juveniles from all racial and ethnic groups appear to be sent through the diversion process proportionately to White juveniles. In addition, having a petition filed occurred at about the same rate for all the racial and ethnic groups. However, direct file to adult court showed evidence of disparities for Hispanic, African American and Native American juveniles. African Americans had the highest over-representation with direct files occurring at almost 5 times the rate of White youth. Hispanics were direct filed at

slightly over 3 times the rate of White juveniles and Native Americans 2 times the rate of White juveniles.

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*The Direct Filing process gives one cause for major concern. African American youth are direct filed at a much higher rate than White youth, about 5 times their rate.*

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For those juveniles with a petition filed, they can either end up adjudicated delinquent or transferred to adult court if that petition is not dismissed at some point during the court process. Transfers to adult court have steadily declined in number since statute was passed allowing for direct files to occur. In FY16, less than 1 percent of petitioned juveniles were transferred. This sample was too small to calculate RRIs.

For juveniles who are adjudicated, the next step is disposition. In general, juveniles in Arizona are overwhelmingly placed on probation following adjudication. More than four-fifths of all adjudicated juvenile referrals are dispositioned to either standard or intensive probation (JIPS). All groups cluster at around the same rate of being placed on probation. JIPS is higher for Hispanic and Native American youth. Juveniles in all groups were more likely to receive dispositions of standard probation with under one in five referral dispositions being to JIPS. Alternatively, Hispanic and Asian youth were proportionately more represented in commitments to the Arizona Department of Juvenile Corrections (ADJC), both had an RRI of 1.7.

#### *Limitations*

This analysis is limited to juvenile who have formally been processed through the juvenile justice system. It does not include those who were handled informally through school, law enforcement, or other mechanisms that did not result in a referral. If data were available to include these juveniles in the analysis, it would provide a more detailed understanding on racial and ethnic disparities of juveniles prior to entering the system.

It is important to note that offense severity and prior offense history were not included in this analysis. Thus, no comparisons between juveniles with similar offenses or prior histories were conducted.

It is recognized that using state data for this report has some limitations. Differences in the various counties due to ethnic diversity tends to be blurred with aggregated data.

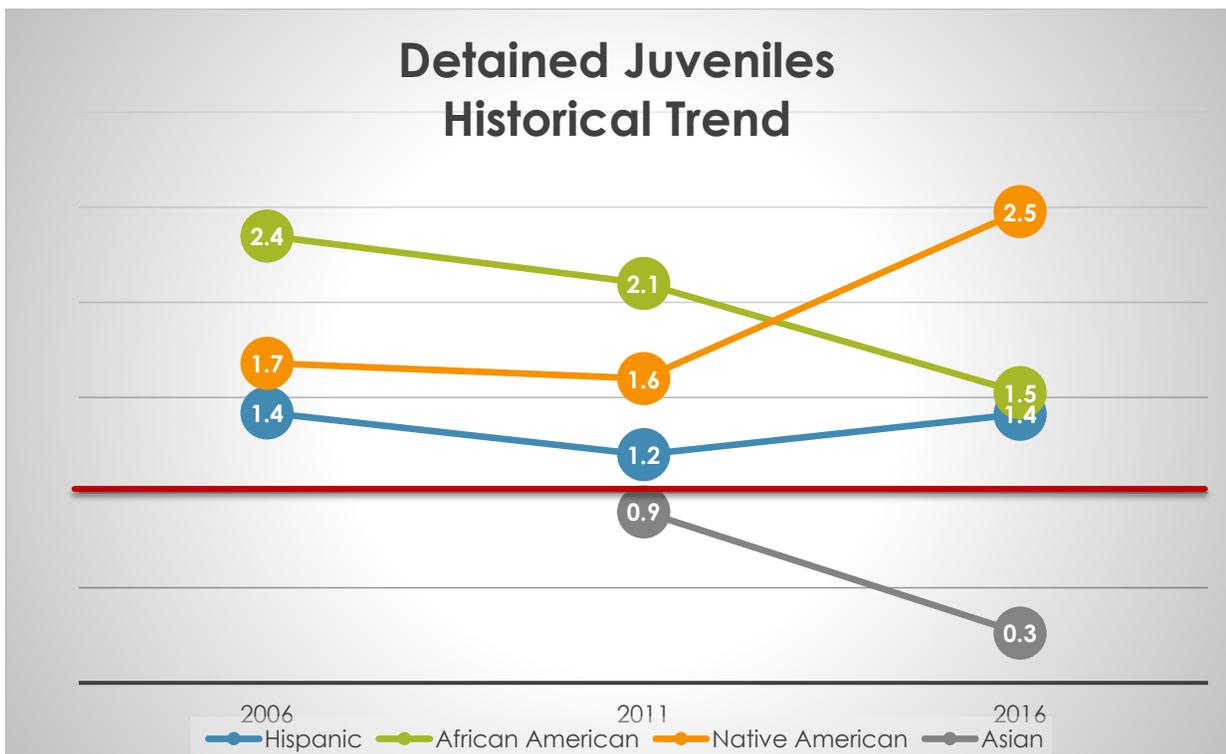
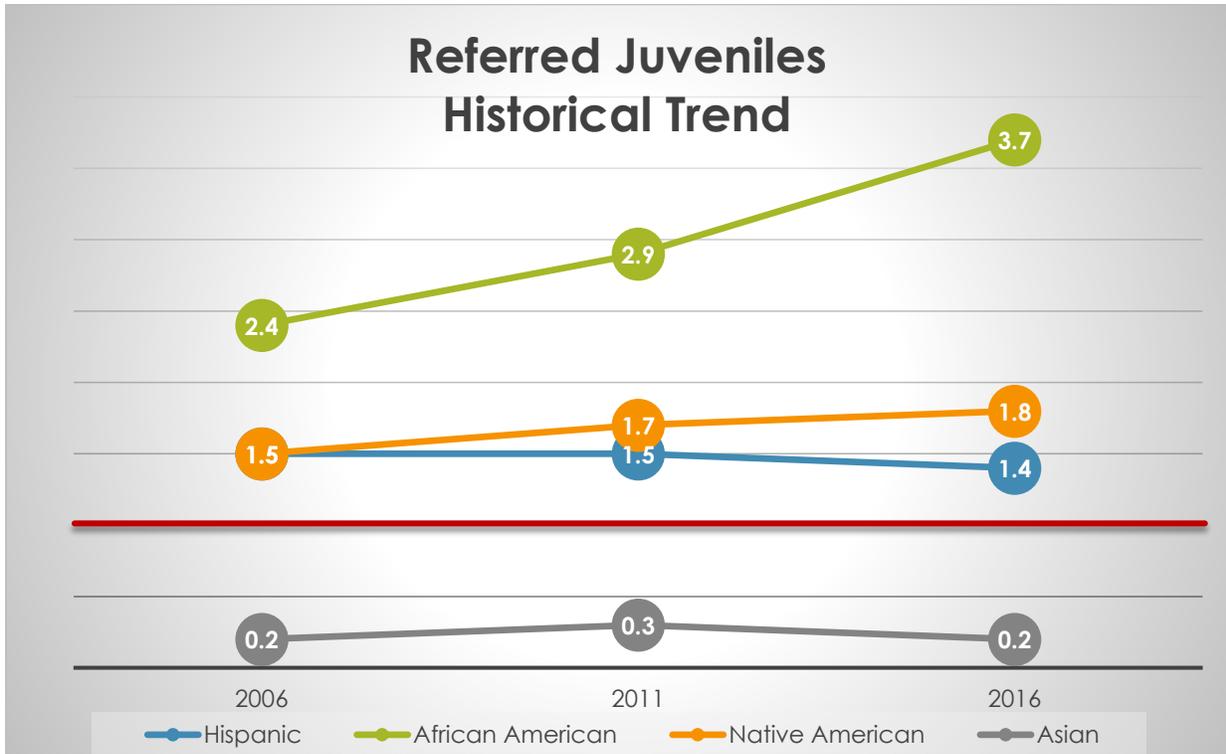
One of the advantages of the RRI analysis is that the comparison of youth is based on a previous decision point and not always on the total Arizona juvenile population. The selection of the basis for the comparison (denominator) to the decision point (numerator) could be up for discussion. For instance, if one examines Probation, what is the basis used for the comparison, referrals, petitions or adjudications? This document uses adjudications as that is the decision point that allows disposition and thus a choice for probation or some other disposition, which is consistent with the Office of Juvenile Justice and Delinquency Prevention (OJJDP) as well. As you can see, we have attempted to “reset” the bar at each decision point so they can be viewed independently.

Listed is the ratio information used to compute the RRI scores:

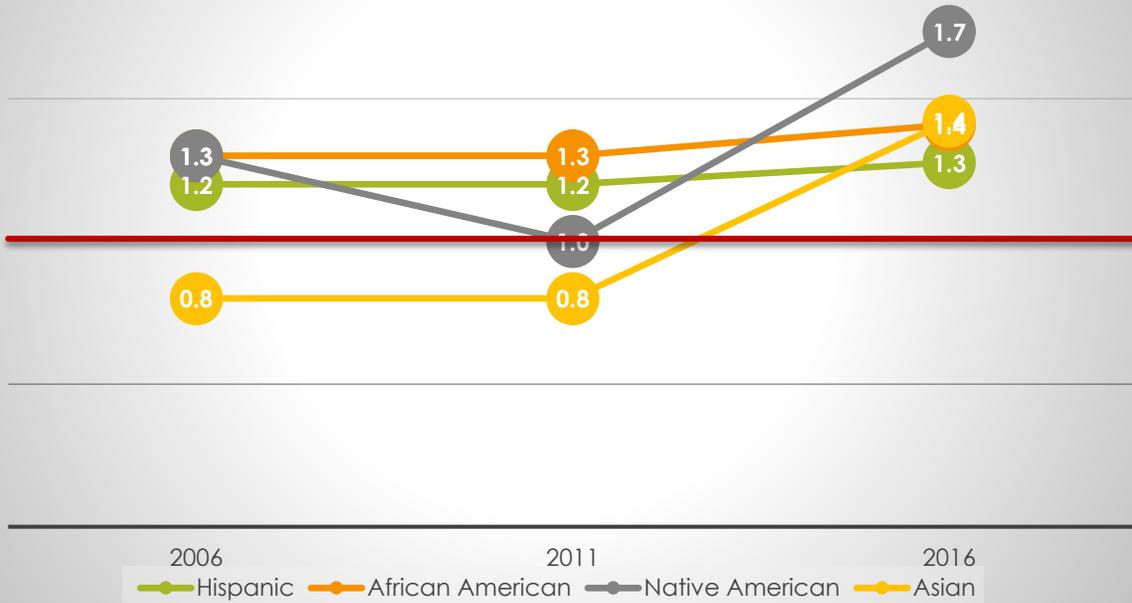
Referrals (Juveniles Referred : Population), Detention (Paper or Brought : All Referrals), (Detained or Released : Brought to Detention), Court Processing (No Petition, Petition or Diversion : All Referrals) (Direct Filed : Referrals), Post-Petition (Adjudicated, Transferred or Non Adjudicated : Petitioned),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

A note must be made regarding the population estimates used as the basis for the Relative Rate Index. It is a very difficult task to confirm consistency in the population estimates in Arizona for the racial/ethnic characteristics and 8 to 17 age group. The baseline for the juvenile populations come from estimates compiled at the Arizona Office of Economic Opportunity.

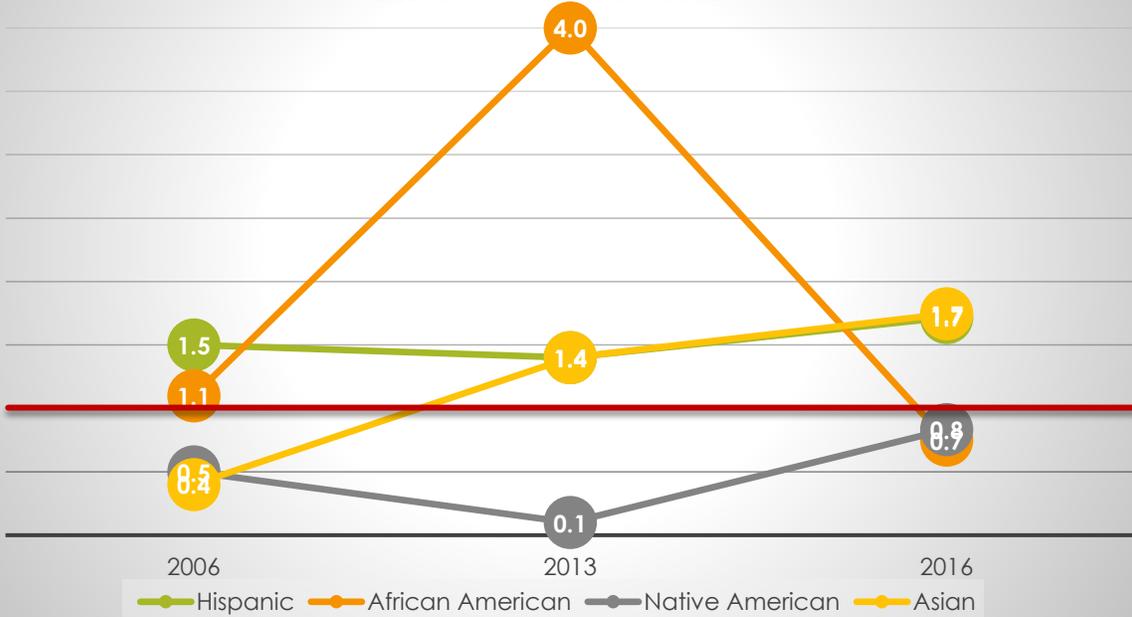
Appendix  
 Historical Trend, 2006 to 2016



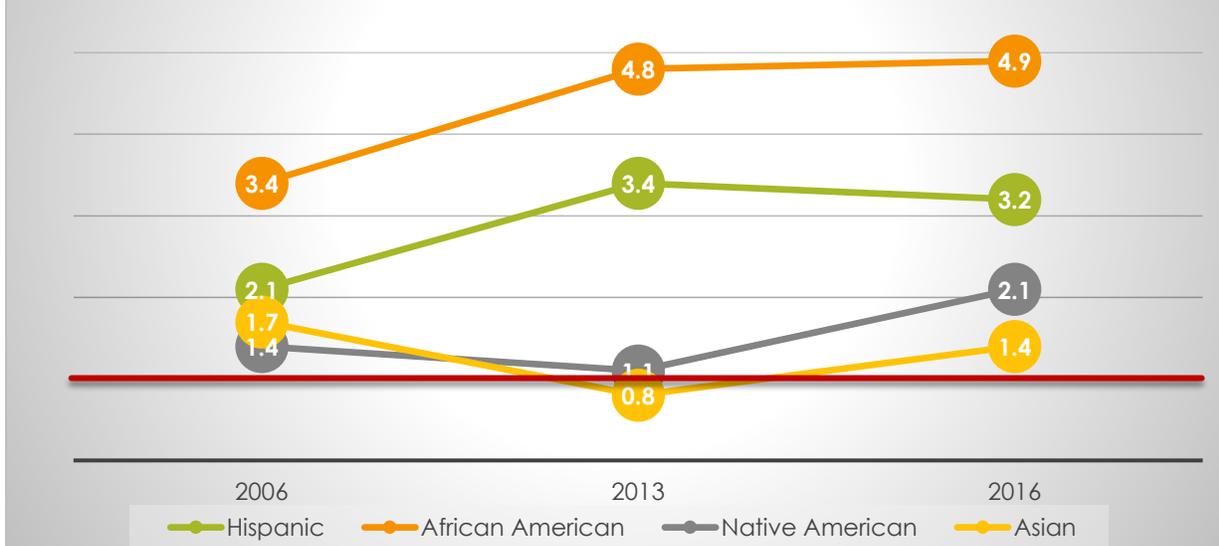
## Petitioned Juveniles Historical Trend



## Committed to ADJC Juveniles Historical Trend



## Direct Filed to Adult Court Juveniles Historical Trend



### National Comparisons, 2016 Data

	Minority	Black	AIAN**	AHPI***	Hispanic
Referral	1.56	3.03	1.16	0.23	0.98
Diversion	0.69	0.62	0.88	0.92	0.8
Detention	1.43	1.41	1.27	1.26	1.51
Petitioned	1.17	1.22	1.07	1.05	1.08
Adjudicated	0.97	0.92	1.15	0.98	1.06
Probation	0.95	0.95	0.99	1.09	0.95
Placement	1.39	1.35	1.07	1.04	1.52
Waiver (Adult)	1.34	1.57	1.47	*0.55	0.85

(1) All RRI's are relative to whites.

\*\* AIAN: American Indian or Alaskan Native.

\*\*\* AHPI: Asian, Hawaiian, or Pacific Islander.

Puzzanchera, C. and Hockenberry, S. (2017). National Disproportionate Minority Contact Databook. Developed by the National Center for Juvenile Justice for the Office of Juvenile Justice and Delinquency Prevention. Online. Available at: <https://www.ojjdp.gov/ojstatbb/dmcdcb/>

## Glossary of Juvenile Justice Terms

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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