



ARIZONA SUPREME COURT
ADMINISTRATIVE OFFICE OF THE COURTS

Juveniles Processed In the Arizona Court System

FY 2005

JULY 1, 2004 - JUNE 30, 2005

JUVENILE JUSTICE SERVICES DIVISION

Research & Information Unit | Suite 337 | 602.542.9743

TO
BOBBIE CHINSKY
Leader
Visionary

DEDICATION

This edition of *Juveniles Processed* is dedicated to Bobbie Chinsky who retired after 13 years of service to the children of Arizona. She held the position of Manager of the Research and Information Unit of the Juvenile Justice Services Division Court, 1992-2005. Bobbie initiated and supported this publication and the qualitative use of information during her years of service.

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FY 2005

**Introduction/Trends for
Juveniles Processed in the
Arizona Court System
FY99-FY05**

Introduction

JUVENILES PROCESSED IN THE ARIZONA COURT SYSTEM IN FY05

This is the twelfth publication of Juveniles Processed in the Arizona Court System. The data for this report are extracted each year from the fifteen Juvenile Courts' Juvenile On-Line Tracking Systems (JOLTS). JOLTS is the automated juvenile court information management system that has been operational in Maricopa County Juvenile Court for more than twenty-five years, and statewide for more than fifteen years. Each Juvenile Court actively participates in collecting and maintaining the data to ensure quality and accuracy.

This report has changed somewhat in format and content from previous years. Specific content changes included the addition of the top ten referral offenses ¹ and last year's special topic, gender, is replicated for another year.

This report provides an overview of the juveniles processed at various stages of the juvenile justice system statewide during fiscal year 2005. Selected breakdowns of unduplicated juvenile counts² are presented at the following stages:

- Referral
- Detention
- Diversion
- Petition
- Dismissed
- Penalty Only
- Standard Probation
- Juvenile Intensive Probation Supervision
- Arizona Department of Juvenile Corrections
- Juveniles Direct Filed in and Transferred to Adult Court
- Gender

The characteristics of juveniles at each of these stages are contained in this report. Each characterization of the juvenile is determined at his or her most recent referral. The demographic characteristics displayed are gender, ethnicity, age, and education status. This information is followed by offense-specific characteristics that contain the number of prior referrals, offense class of the most serious offense, and the severity of the most serious offense.³

Not all juveniles processed entered the system during this fiscal year, as some may have entered the previous fiscal year but received a disposition during this fiscal year. Therefore, the juveniles included in this report were all processed at least at one point in the system during this year. That is, one or more of the stages presented in this report happened during the year. The juveniles were referred, detained, diverted, petitioned, had at least one disposition from the court, and/or were direct filed in and/or transferred to adult court, at one point during FY05.

The number of juveniles processed in the juvenile justice system is influenced by several factors, including legislative actions, law enforcement and prosecutorial practices, and the number of juveniles ages 8 to 17 years old in the Arizona population. Through the year 2005, the juvenile population has continued to

increase steadily, as evidenced in the Arizona Juvenile Population Estimates and Projections chart in the Population Estimates section.⁴

The flow chart of the juvenile justice system in this section of the report is followed by a chart entitled *Arizona Juvenile Court Activity FY05* that illustrates selected stages within the juvenile justice system and the number of juveniles processed at each of these stages. In the *Arizona Juvenile Court Activity FY05* chart, all stages show both duplicated and unduplicated counts of juveniles. Since a juvenile may receive more than one referral in a given year and more than one referral may have the same disposition, the number of referrals and the number of juveniles at each stage will not be the same. Thus, the number of referrals gives a sense of the workload generated by these juveniles at each stage.

Several graphs are included in this section to portray trends over the past seven years. The first series of graphs shows data on referrals, juveniles referred, petitions filed and juveniles with petitions filed. Referrals may include more than one referral for a youth, whereas the juveniles referred figure shows the number of unique youth. The same distinction is made between petitions filed (includes counts of multiple petitions per youth) and juveniles with petitions filed (unduplicated). The second series of graphs shows the number of juveniles in each of four dispositions for each of the past seven years. The number for each disposition is unduplicated, but, if a youth experienced more than one disposition during the year, he or she would be counted once in each disposition category. The last graph shows the pathways to adult court: judicial transfer, mandatory direct file, mandatory prior conviction direct file, chronic direct file, and discretionary direct file. Each pathway reflects the number of juveniles who were sent to adult court through that particular channel. While the number of juveniles in each pathway is unduplicated, a juvenile may appear in more than one pathway.

In addition to this annual report, other reports are available that describe some of the stages included in this report. For example, the Juvenile Justice Services Division also publishes the Juvenile Intensive Probation Supervision (JIPS) Annual Report. Several special reports have also been completed over the past several years summarizing studies of specific juvenile programs or issues. These studies include:

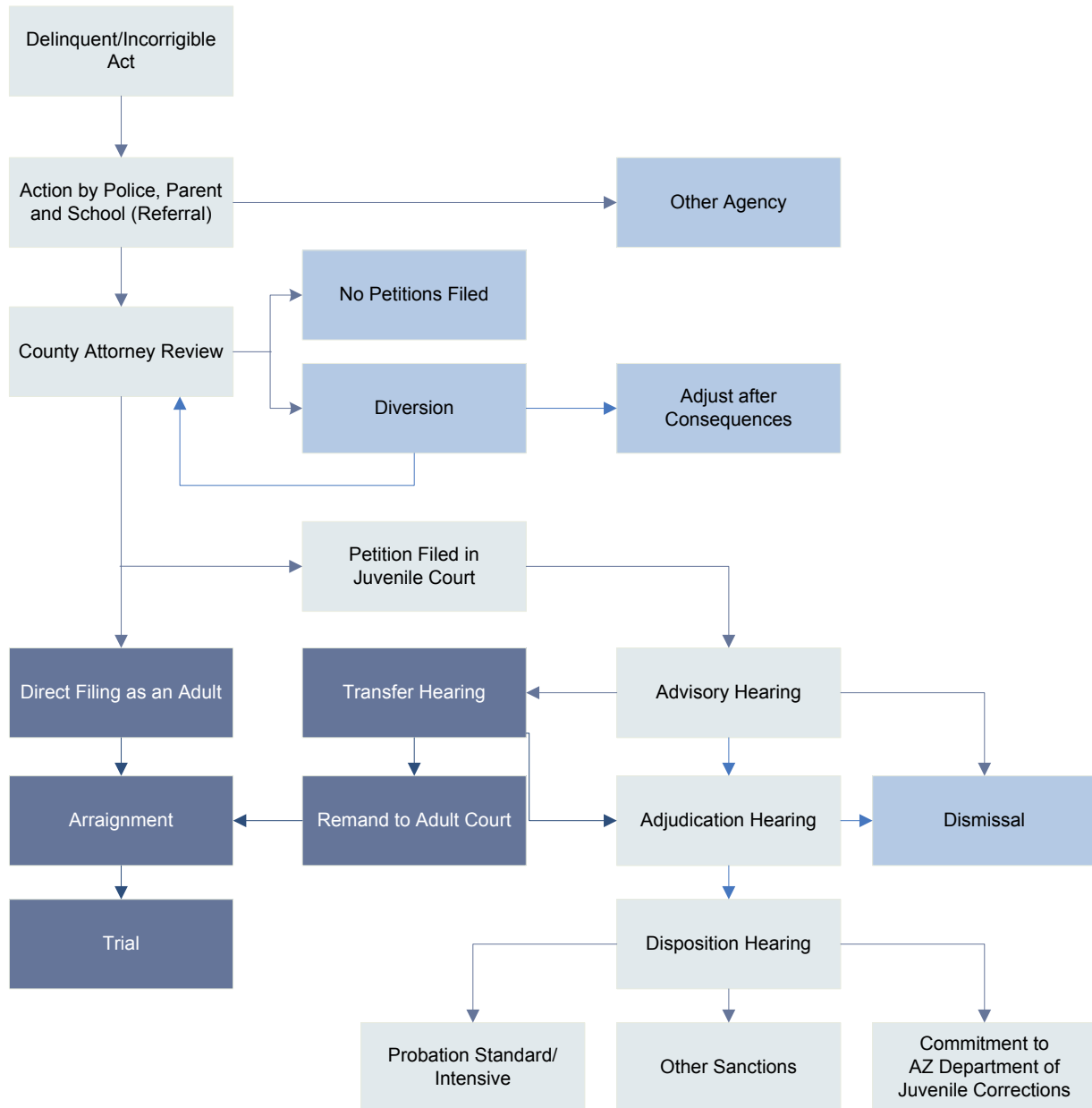
- *Commission on Minorities Equitable Treatment of Minority Youth: First Annual Report Card, 2004*
- *Choices on the Edge: Maryvale Community Assessment*
- *Arizona Juvenile Justice Evaluation, the PIC-ACT Study*
- *Juvenile Commitment Guidelines Departure Research Project*
- *Juvenile Justice Treatment Evaluation Pilot Project Outcomes Report*
- *Treatment Evaluation Pilot Project Final Report*
- *Survey of Arizona Juvenile Justice Service Providers*
- *Arizona Juvenile Transfer Study*
- *Initial Evaluation of Treatment Services for Juveniles Receiving Treatment in Arizona from January 1, 1994 to June 30, 1994*
- *Empirical Validation of the Arizona Risk/Needs Instrument and Assessment Process.*⁵

Analysis of data on juveniles processed in the Arizona court system is ongoing. Data is analyzed in order to identify the treatment needs of juveniles, to determine what works in meeting those needs and obtaining the best outcomes, to identify the most cost effective allocation of resources and to develop the most effective partnerships with local communities to provide for public safety and juvenile accountability. Information from this report and others, in addition to past and ongoing studies, is important for public policy makers, juvenile justice professionals, and Arizona's citizens to understand, formulate, and address current and future juvenile justice issues.

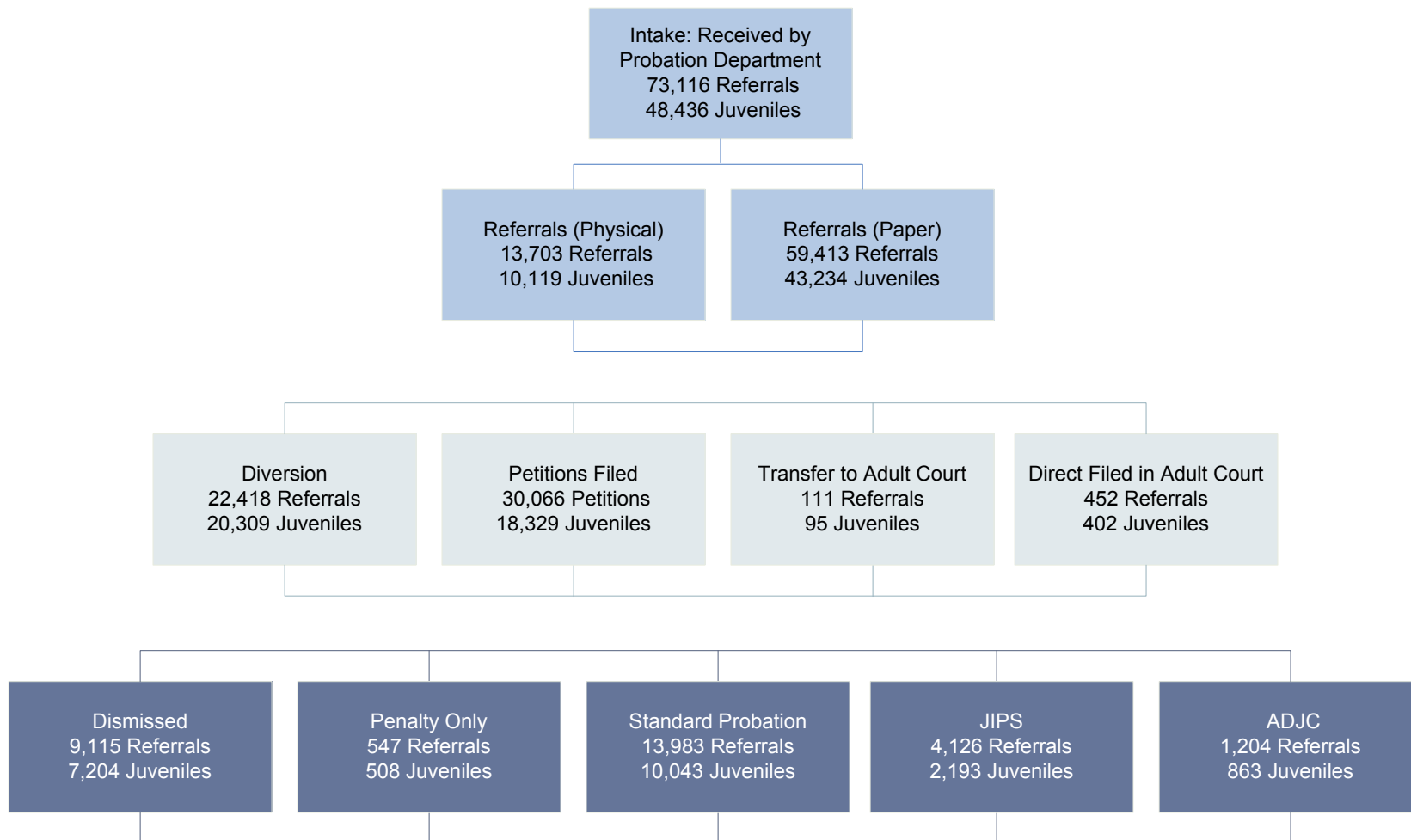
Juveniles Processed FY98 through FY05 are available on the Internet at <http://www.supreme.state.az.us/jjsd>.

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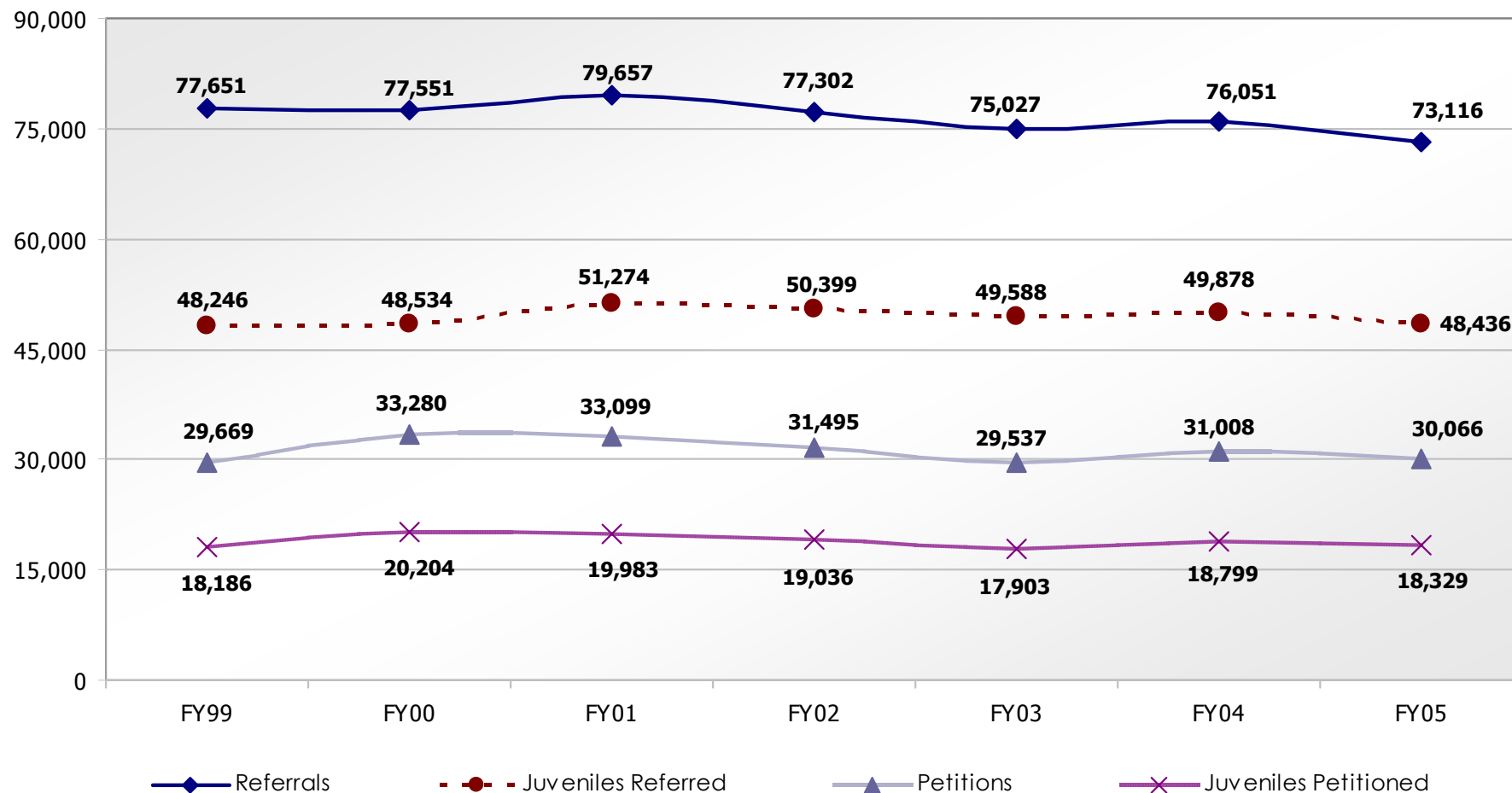
Juvenile Justice Flowchart



Arizona Juvenile Court Activity FY05



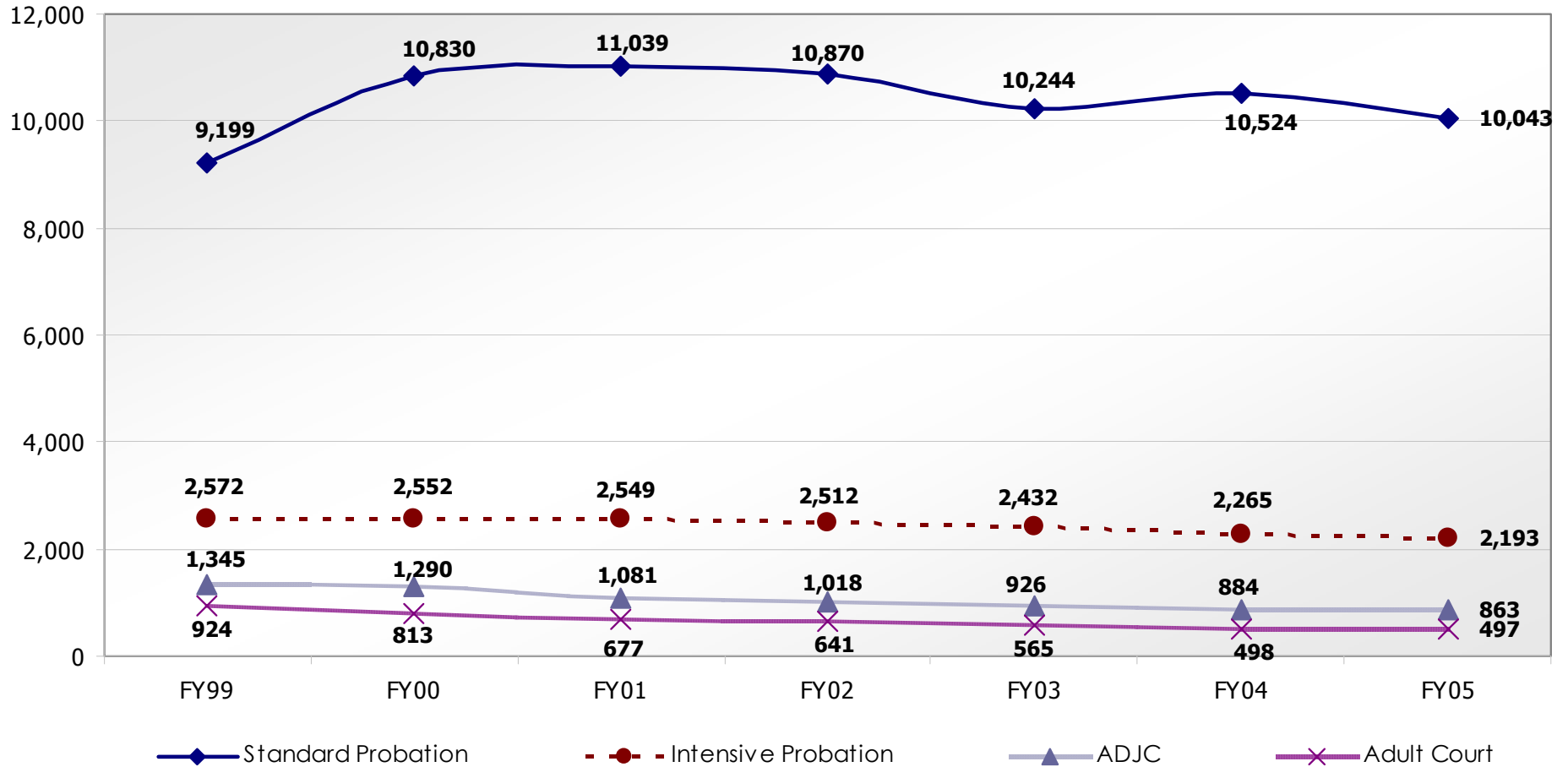
Referrals, Petitions Filed and Juveniles Referred and Petitioned Fiscal Years 1999 - 2005



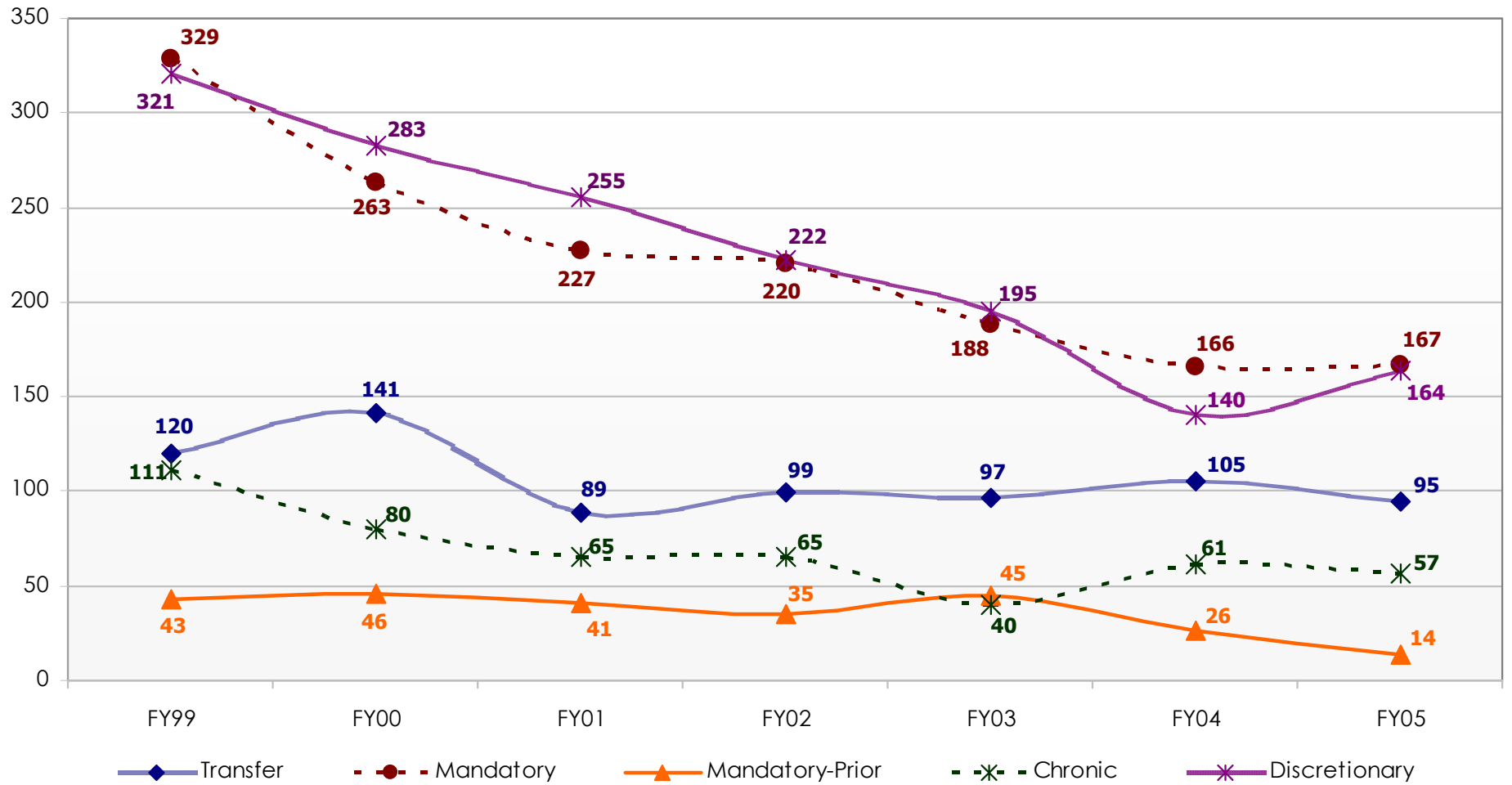
1. Data through FY03 obtained from Juveniles Processed in the Arizona Court System.

2. Data for FY04 and FY05 obtained from a linear regression using total annual numbers of referrals, juveniles referred, petitions, juveniles petitioned, diversions and juveniles diverted. Cautious interpretation is advised because of the small number of data points available for the analysis.

The Number of Juveniles Dispositioned to Probation, Intensive Probation, ADJC and Adult Court - Fiscal Years 1999 - 2005



Pathways for Juveniles Transferred and/or Direct Filed in Adult Court Fiscal Years 1999 - 2005²



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FY 2005

Juveniles Referred to the Arizona Court System

Juveniles Referred

ARIZONA SUPERIOR COURT SYSTEM, FY05

The information presented in this section characterizes individual youth (unduplicated). For those youth who were referred more than once during the fiscal year, information from the first instance in the time frame is reported.

The table below shows the distribution of youth across the counties in Arizona. On the following two pages, demographic and offense-specific information are presented.

This section on Juveniles Referred to the Arizona Superior Court System reflects the characteristics of those juveniles, ages 8 through 17, who came into contact with the system in FY05. The juveniles are those for whom a report was submitted to the Juvenile Court alleging that the youth committed a delinquent act or demonstrated incorrigible behavior.

Referrals can be made by police, parents, school officials, probation officers, other agencies or individuals requesting that the Juvenile Court assume jurisdiction over the youth's conduct. Referrals can be "paper referrals" issued as citations or police reports to the Juvenile Court or "physical referrals" in which the juvenile is physically brought to the Juvenile Court.

County: Juveniles Referred FY05		
Apache	235	0.49%
Cochise	1,325	2.74
Coconino	1,568	3.24
Gila	983	2.03
Graham	389	0.80
Greenlee	72	0.15
La Paz	135	0.28
Maricopa	23,852	49.24
Mohave	2,030	4.19
Navajo	1,009	2.08
Pima	9,627	19.88
Pinal	2,308	4.77
Santa Cruz	762	1.57
Yavapai	1,669	3.45
Yuma	2,472	5.10
TOTAL	48,436	100.0

In 2005, there were an estimated 873,905 juveniles age 8 to 18 in Arizona. From July 1, 2004 to June 30, 2005, 5.5% of these juveniles (48,436) were referred at least once to Arizona's juvenile courts. This represents about 1 in every 18 juveniles. These 48,436 juveniles generated 73,116 referrals at an average of 1.5 referrals per juvenile.

Gender: Juveniles Referred FY05		
Male	31,582	65.20%
Female	16,854	34.80
Unknown	0	0.0
TOTAL	48,436	100.0

Age: Juveniles Referred FY05		
8	198	0.41%
9	328	0.68
10	513	1.06
11	1,059	2.19
12	2,304	4.76
13	4,530	9.35
14	7,180	14.82
15	9,235	19.07
16	10,270	21.20
17	12,258	25.31
Unknown	561	1.16
TOTAL	48,436	100.0

Ethnicity: Juveniles Referred FY05		
Hispanic	18,910	39.04%
African American	3,505	7.24
Anglo	22,439	46.33
Native American	2,796	5.77
Asian/Pacific Islander	232	0.48
Other	166	0.34
Unknown	388	0.80
TOTAL	48,436	100.0

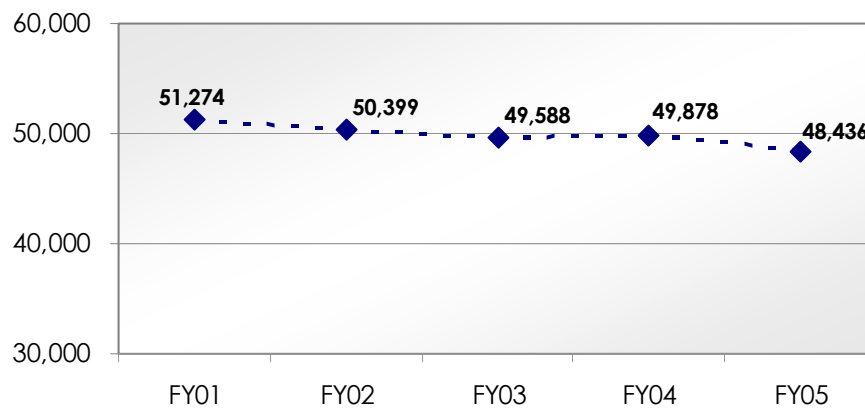
Education Status: Juveniles Referred FY05		
Enrolled	32,526	67.15%
Not Enrolled	2,706	5.59
Expelled	68	0.14
Suspended	99	0.20
Withdrawn	115	0.24
Graduated	55	0.11
GED Program	32	0.07
Unknown	12,835	26.50
TOTAL	48,436	100.0

Severity of Most Serious Offense: Juveniles Referred FY05		
Felonies Against Person	2,350	4.85%
Felonies Against Property	5,054	10.43
Obstruction of Justice: Felony & Misdemeanor	4,420	9.13
Misdemeanors Against Person	4,480	9.25
Drugs: Felony & Misdemeanor	4,893	10.10
Public Peace: Felony & Misdemeanor	12,650	26.12
Misdemeanors Against Property	6,623	13.67
Status Offenses	7,626	15.74
Citations/Administrative	340	0.70
TOTAL	48,436	100.0

Offense Class of Most Serious Offense: Juveniles Referred FY05		
Felony	14,139	29.19%
Misdemeanor	23,544	48.61
Administrative	2,491	5.14
Status	7,655	15.80
Other	607	1.25
TOTAL	48,436	100.0

Number of Prior Referrals: Juveniles Referred FY05		
0	24,092	49.74%
1	8,785	18.14
2	4,586	9.47
3	2,738	5.65
4	1,857	3.83
5	1,352	2.79
6	1,004	2.07
7	847	1.75
8 or more	3,175	6.56
TOTAL	48,436	100.0

Juveniles Referred



This is the second year that *Juveniles Processed* has reported on the Top Ten Referral Offenses for the state.

In FY05, violation of probation was the most common referral category. This suggests that Arizona's juvenile probation departments are holding juveniles accountable.

Over the past five years, there has been no change in the categories of the top ten offenses, only changes in rank order.

Explanations of the categories can be found in the Notes section.¹

Top Ten Referral Categories FY05		
Probation Violation	7,099	9.71%
Shoplifting-Misdemeanor	6,266	8.57
Truancy	5,493	7.51
Runaway	4,103	5.61
Marijuana Possession	3,656	5.00
Curfew	3,539	4.84
Alcohol	3,276	4.48
Assault – Simple	2,635	3.60
Disorderly Conduct	2,459	3.36
Assault – Domestic Violence	1,946	2.66
TOTAL TOP TEN REFERRALS	40,472	55.35
TOTAL ALL REFERRALS	73,116	100.0

Top Ten Referral Categories for Previous Fiscal Years			
FY2001	FY2002	FY2003	FY2004
Probation Violation 8,408	Probation Violation 8,407	Probation Violation 7,938	Probation Violation 7,540
Truancy 6,844	Truancy 6,722	Shoplifting – Misd 6,587	Shoplifting – Misd 6,508
Shoplifting – Misd 6,284	Shoplifting – Misd 6,689	Truancy 5,958	Truancy 6,300
Alcohol 5,842	Alcohol 5,735	Alcohol 5,881	Alcohol 5,976
Runaway 4,487	Runaway 4,087	Runaway 4,009	Runaway 4,013
Curfew 4,396	Curfew 3,959	Curfew 3,738	Curfew 3,752
Assault – DV 2,235	Assault – DV 2,155	Assault – DV 2,201	Marijuana Possession 3,743
Marijuana Possession 3,696	Marijuana Possession 3,639	Marijuana Possession 3,446	Assault – DV 2,255
Assault – Simple 3,021	Assault – Simple 3,008	Assault – Simple 3,119	Assault – Simple 2,967
Disorderly Conduct 2,308	Disorderly Conduct 2,366	Disorderly Conduct 2,523	Disorderly Conduct 2,597

Note: Traffic offenses were not included in the ranking because they are handled differently from county to county.

FY 2005

Juveniles Detained by the Juvenile Court

Juveniles Detained

ARIZONA SUPERIOR COURT SYSTEM, FY05

The information presented in this section characterizes individual youth (unduplicated). For those youth who were detained more than once during the fiscal year, information from the first instance in the time frame is reported.

The table below shows the distribution of youth across the counties in Arizona. On the following two pages, demographic and offense-specific information are presented.

Juvenile detention is the temporary and secure custody of juveniles under the jurisdiction of the Juvenile Court who require a restricted environment for their own protection and the safety of the community. Responsibility for maintaining a juvenile detention center that is separate and apart from an adult jail or lockup is vested with the counties.

Juvenile detention provides a range of services which support the juvenile's physical, emotional, educational and social development. Supportive services minimally include: education, recreation, counseling, nutrition, medical and health services, reading, visitation, communication and continuous supervision. Juvenile detention also provides for a system of clinical observation and assessment.

In Arizona, a juvenile may be detained for the following reasons:

1. If there is probable cause to believe that the juvenile committed the acts alleged in the petition, and there is reasonable cause to believe:
 - a. That otherwise the juvenile would not be present at any hearing;
 - b. That the juvenile is likely to commit an offense injurious to himself or others;
 - c. That the juvenile must be held for another jurisdiction;
 - d. That the interests of the juvenile or the public require custodial protection.
2. As a condition of probation.

Thirteen of the fifteen counties in Arizona maintain a juvenile secure care facility. Juveniles from two counties are transported to other jurisdictions when the need for secure custody is determined by the Court. These juveniles appear in their county's data as well as in the data of the county in which they were detained. Additionally, some counties have entered into contracts and/or agreements with federal agencies, tribal courts, or other state agencies to house juveniles.

County: Juveniles Detained FY05		
Apache	124	1.03%
Cochise	304	2.52
Coconino	303	2.51
Gila	325	2.69
Graham	155	1.28
Greenlee	29	0.24
La Paz	35	0.29
Maricopa	5,568	46.10
Mohave	389	3.22
Navajo	192	1.59
Pima	2,197	18.19
Pinal	790	6.54
Santa Cruz	312	2.58
Yavapai	578	4.79
Yuma	778	6.44
TOTAL	12,079	100.0

In FY05, 12,079 juveniles were detained at least once. Only 8,030 (66.5%) of these juveniles were detained as a result of a referral; the others were detained as a result of court holds, warrants, probation consequences or for another jurisdiction.

- Those 8,030 juveniles that were detained on a referral (physical referral) represent 16.6% of the juveniles referred to the juvenile court in FY05.
- There was a 11.1% decline in juveniles detained from FY01 to FY05. Detentions initiated by a physical referral declined 13.2% during that same time period.

Gender: Juveniles Detained FY05		
Male	8,943	74.04%
Female	3,136	25.96
Unknown	0	0.0
TOTAL	12,079	100.0

Age: Juveniles Detained FY05		
8	6	0.05%
9	16	0.13
10	43	0.36
11	97	0.80
12	266	2.20
13	747	6.18
14	1,516	12.55
15	2,330	19.29
16	3,047	25.23
17	3,939	32.61
Unknown	72	0.60
TOTAL	12,079	100.0

Ethnicity: Juveniles Detained FY05		
Hispanic	5,153	42.66%
African American	1,089	9.02
Anglo	4,834	40.02
Native American	851	7.05
Asian/Pacific Islander	54	0.45
Other	67	0.55
Unknown	31	0.26
TOTAL	12,079	100.0

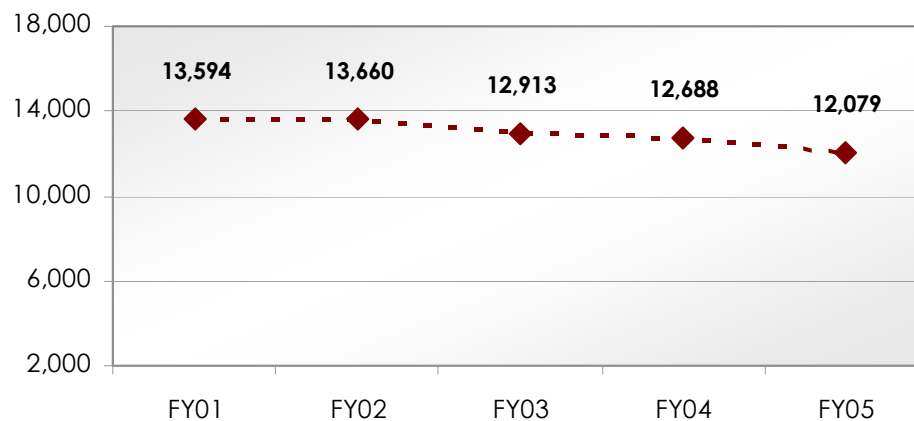
Education Status: Juveniles Detained FY05		
Enrolled	5,549	45.94%
Not Enrolled	1,184	9.80
Expelled	40	0.33
Suspended	62	0.51
Withdrawn	52	0.43
Graduated	14	0.12
GED Program	16	0.13
Unknown	5,162	42.74
TOTAL	12,079	100.0

Severity of Most Serious Offense: Juveniles Detained FY05		
Felonies Against Person	1,035	12.89%
Felonies Against Property	1,575	19.61
Obstruction of Justice: Felony & Misdemeanor	1,729	21.53
Misdemeanors Against Person	1,057	13.16
Drugs: Felony & Misdemeanor	943	11.74
Public Peace: Felony & Misdemeanor	1,059	13.19
Misdemeanors Against Property	359	4.47
Status Offenses	137	1.71
Citations/Administrative	136	1.69
TOTAL	8,030	100.0

Offense Class of Most Serious Offense: Juveniles Detained FY05		
Felony	4,139	51.54%
Misdemeanor	2,545	31.69
Administrative	1,169	14.56
Status	135	1.68
Other	42	0.52
TOTAL	8,030	100.0

Number of Prior Referrals: Juveniles Detained FY05		
0	1,799	22.40%
1	1,120	13.95
2	915	11.39
3	713	8.88
4	574	7.15
5	492	6.13
6	400	4.98
7	324	4.03
8 or more	1,693	21.08
TOTAL	8,030	100.0

Juveniles Detained



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FY 2005

Juveniles Diverted

Juveniles Diverted

ARIZONA SUPERIOR COURT SYSTEM, FY05

The information presented in this section characterizes individual youth (unduplicated). For those youth who were diverted more than once during the fiscal year, information from the first instance during the time frame is reported.

The table below shows the distribution of youth across the counties in Arizona. On the following two pages, demographic and offense-specific information are presented.

Diversion is a process which allows a juvenile to avoid formal court processing and to have the referral alleging an offense adjusted if the juvenile completes one or more conditions. To adjust is to dispose of a case without the juvenile being required to go to court. If a referral is adjusted, a petition is not filed. A petition is a document filed by the county attorney, which seeks to have a juvenile adjudicated as a delinquent or incorrigible child. The conditions to be completed are the consequences assigned in response to the juvenile's behavior.

A.R.S. §8-321 provides the statutory authority and requirements for determining which juveniles can be diverted and the conditions that must be met. The major requirements of A.R.S. §8-321 are briefly summarized in the Notes section at the end of the document.⁶

County: Juveniles Diverted FY05		
Apache	54	0.27%
Cochise	850	4.19
Coconino	808	3.98
Gila	348	1.71
Graham	137	0.67
Greenlee	13	0.06
La Paz	71	0.35
Maricopa	9,722	47.87
Mohave	604	2.97
Navajo	265	1.30
Pima	4,916	24.21
Pinal	727	3.58
Santa Cruz	111	0.55
Yavapai	869	4.28
Yuma	814	4.01
TOTAL	20,309	100.0

In FY05, there were 20,309 juveniles diverted in Arizona's juvenile justice system, a decrease of 2.7% from FY04.

Over the last five years, diversions have declined by 9.1% overall.

We would expect diverted juveniles to have less serious offenses and little or no prior referrals. Of the juveniles diverted in FY05:

- 68.3% had no prior referrals.
- 60.7% had a misdemeanor as the most serious offense.

Gender: Juveniles Diverted FY05		
Male	12,053	59.35%
Female	8,256	40.65
Unknown	0	0.00
TOTAL	20,309	100.0

Age: Juveniles Diverted FY05		
8	92	0.45%
9	182	0.90
10	283	1.39
11	599	2.95
12	1,343	6.61
13	2,579	12.70
14	3,689	18.16
15	4,196	20.66
16	3,883	19.12
17	3,385	16.67
Unknown	78	0.38
TOTAL	20,309	100.0

Ethnicity: Juveniles Diverted FY05		
Hispanic	7,737	38.10%
African American	1,348	6.64
Anglo	9,704	47.78
Native American	1,095	5.39
Asian/Pacific Islander	125	0.62
Other	82	0.40
Unknown	218	1.07
TOTAL	20,309	100.0

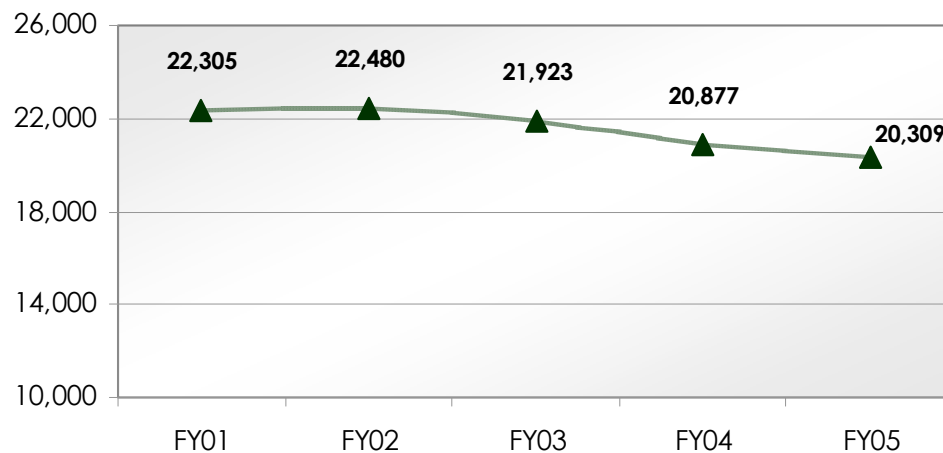
Education Status: Juveniles Diverted FY05		
Enrolled	14,928	73.50%
Not Enrolled	401	1.97
Expelled	10	0.05
Suspended	16	0.08
Withdrawn	15	0.07
Graduated	12	0.06
GED Program	5	0.02
Unknown	4,922	24.24
TOTAL	20,309	100.0

Severity of Most Serious Offense: Juveniles Diverted FY05		
Felonies Against Person	197	0.97%
Felonies Against Property	722	3.56
Obstruction of Justice: Felony & Misdemeanor	170	0.84
Misdemeanors Against Person	1,919	9.45
Drugs: Felony & Misdemeanor	2,009	9.89
Public Peace: Felony & Misdemeanor	5,806	28.59
Misdemeanors Against Property	4,965	24.45
Status Offenses	4,502	22.17
Citations/Administrative	19	0.09
TOTAL	20,309	100.0

Offense Class of Most Serious Offense: Juveniles Diverted FY05		
Felony	3,146	15.49%
Misdemeanor	12,321	60.67
Administrative	240	1.18
Status	4,515	22.23
Other	87	0.43
TOTAL	20,309	100.0

Number of Prior Referrals: Juveniles Diverted FY05		
0	13,872	68.30%
1	4,089	20.13
2	1,284	6.32
3	451	2.22
4	185	0.91
5	112	0.55
6	71	0.35
7	50	0.25
8 or more	195	0.96
TOTAL	20,309	100.0

Juveniles Diverted



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FY 2005

Juveniles with Petitions Filed

PETITIONS FILED

ARIZONA SUPERIOR COURT SYSTEM, FY05

The information presented in this section characterizes individual youth (unduplicated). For those youth who were petitioned more than once during the fiscal year, information from the first instance during the time frame is reported.

The table below shows the distribution of youth across the counties in Arizona. On the following two pages, demographic and offense-specific information are presented.

A petition is a legal document filed in the juvenile court alleging that a referred juvenile is a delinquent, incorrigible, or dependent child and requesting the court to assume jurisdiction over the youth. The petition initiates the formal court hearing process of the juvenile court, and is prepared by the county attorney who determines what charges to bring against the juvenile. Juveniles Processed reports petition data on delinquent and incorrigible youth only.

A youth, under the age of 18, has committed a delinquent act if that same act committed by an adult would be a criminal offense. An incorrigible youth is one who commits an offense which would not be considered a crime if he or she were an adult. Typically, incorrigible youth are juveniles who are

habitually truant from school, run away from home, or violate curfew. In addition, juveniles who refuse to obey the reasonable and proper direction of their parents or guardians can be considered incorrigible.

Information on dependent youth can be found in the Administrative Office of the Courts, Dependent Children's Services Division's Annual Reports.

County: Petitions Filed FY05		
Apache	144	0.79%
Cochise	373	2.04
Coconino	539	2.94
Gila	295	1.61
Graham	216	1.18
Greenlee	46	0.25
La Paz	43	0.23
Maricopa	9,086	49.57
Mohave	637	3.48
Navajo	453	2.47
Pima	3,172	17.31
Pinal	1,077	5.88
Santa Cruz	517	2.82
Yavapai	686	3.74
Yuma	1,045	5.70
TOTAL	18,329	100.0

There were 18,329 juveniles with a petition filed during FY05. This is a slight decrease (2.5%) from FY04 but remains a slight increase (2.4%) from FY03. Thus since FY03, referred youth have decreased 2.3%, petitioned youth have increased 2.3%.

- Anglo and Hispanic youth are nearly equally represented in petitions filed.
- The average age of juveniles petitioned in FY05 was 15.
- Those with no prior referrals who received a petition increased from 15% in FY04 to over 24% in FY05.

Gender: Petitions Filed FY05		
Male	13,391	73.06%
Female	4,938	26.94
Unknown	0	0.00
TOTAL	18,329	100.0

Age: Petitions Filed FY05		
8	26	0.14%
9	69	0.38
10	117	0.64
11	235	1.28
12	615	3.36
13	1,426	7.78
14	2,678	14.61
15	3,710	20.24
16	4,497	24.53
17	4,915	26.82
Unknown	41	0.22
TOTAL	18,329	100.0

Ethnicity: Petitions Filed FY05		
Hispanic	7,611	41.52%
African American	1,613	8.80
Anglo	7,707	42.05
Native American	1,210	6.60
Asian/Pacific Islander	66	0.36
Other	58	0.32
Unknown	64	0.35
TOTAL	18,329	100.0

Education Status: Petitions Filed FY05		
Enrolled	13,509	73.70%
Not Enrolled	1,901	10.37
Expelled	51	0.28
Suspended	81	0.44
Withdrawn	88	0.48
Graduated	20	0.11
GED Program	21	0.11
Unknown	2,658	14.50
TOTAL	18,329	100.0

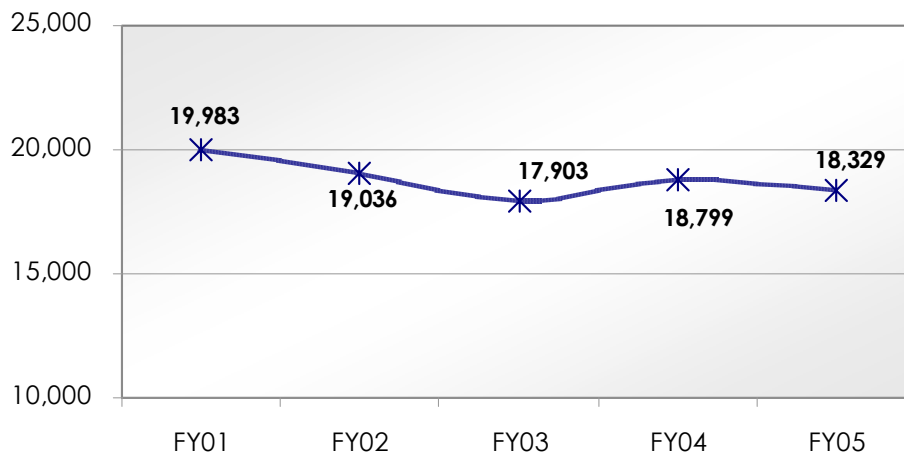
Severity of Most Serious Offense: Petitions Filed FY05		
Felonies Against Person	1,499	8.18%
Felonies Against Property	3,475	18.96
Obstruction of Justice: Felony & Misdemeanor	4,103	22.39
Misdemeanors Against Person	1,829	9.98
Drugs: Felony & Misdemeanor	2,252	12.29
Public Peace: Felony & Misdemeanor	3,071	16.75
Misdemeanors Against Property	1,461	7.97
Status Offenses	613	3.34
Citations/Administrative	26	0.14
TOTAL	18,329*	100.0

Offense Class of Most Serious Offense: Petitions Filed FY05		
Felony	8,058	43.96%
Misdemeanor	7,296	39.81
Administrative	2,287	12.48
Status	637	3.48
Other	51	0.28
TOTAL	18,329*	100.0

Number of Prior Referrals: Petitions Filed FY05		
0	4,450	24.28%
1	3,091	16.86
2	2,642	14.41
3	1,858	10.14
4	1,362	7.43
5	1,048	5.72
6	816	4.45
7	659	3.60
8 or more	2,403	13.11
TOTAL	18,329*	100.0

*A small number of petitions do not have offense or referral numbers entered on them due to data entry error and are not reflected in this report.

Juveniles Petitioned



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FY 2005

Juveniles with Dispositions of Dismissed

JUVENILES DISMISSED

ARIZONA SUPERIOR COURT SYSTEM, FY05

The information presented in this section characterizes individual youth (unduplicated). For those youth who had a dismissal more than once during the fiscal year, information from the first instance in the time frame is reported.

The table below shows the distribution of youth across the counties in Arizona. On the following two pages, demographic and offense-specific information are presented.

Referrals and petitions against juveniles can be dismissed. Dismissal means that further consideration or hearings regarding the charge are discontinued or discharged, and further action is not taken.

Dismissal of petitions can occur during the advisory or adjudication hearing process. It is possible that the charge could be dismissed for lack of evidence during either of these hearings. Similarly, a juvenile could have more than one charge pending. In this situation, the juvenile's attorney could initiate a process with the county attorney, which could result in dismissal of one charge while receiving a disposition (i.e., penalty only, probation, JIPS, or commitment to ADJC) on a second charge. Dismissals can also take place as an agreement in Court to extend the unmet Diversion conditions. Upon completion of the conditions, the dismissal will stop further prosecution of the offense.

Non-petition referrals can also be dismissed. Dismissal may occur for such reasons as the juvenile cannot be located, or is transferred to another jurisdiction prior to adjudication, or the county attorney did not file (e.g., the victim refused prosecution). The data that follow reflect only court dismissals, those petitions dismissed at a hearing.

County: Disposition of Dismissed FY05		
Apache	78	1.08%
Cochise	165	2.29
Coconino	163	2.26
Gila	106	1.47
Graham	58	0.81
Greenlee	7	0.10
La Paz	45	0.62
Maricopa	3,867	53.68
Mohave	299	4.15
Navajo	173	2.40
Pima	1,163	16.14
Pinal	399	5.54
Santa Cruz	205	2.85
Yavapai	182	2.53
Yuma	294	4.08
TOTAL	7,204	100.0

Court dismissals showed a slight decrease in FY05. The number of juveniles receiving a dismissal in FY05 parallels the number in FY03 (7,206).

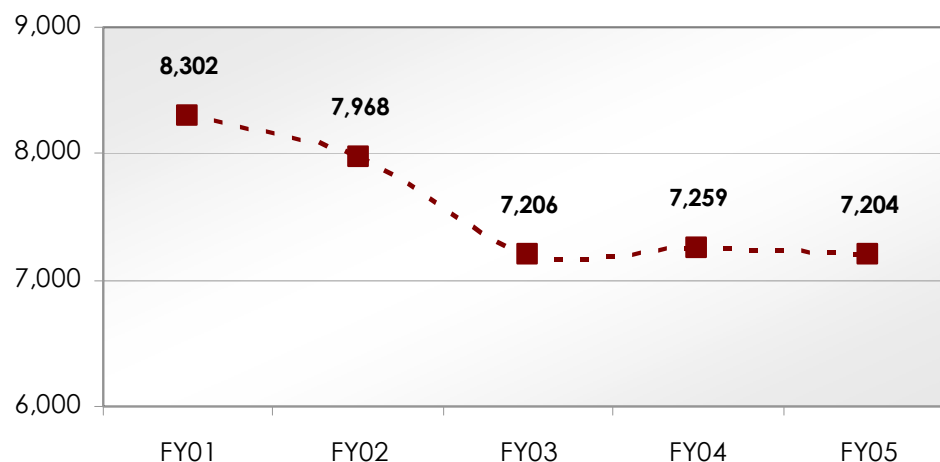
Gender: Disposition of Dismissed FY05		
Male	5,175	71.84%
Female	2,029	28.16
Unknown	0	0.00
TOTAL	7,204	100.0
Age: Disposition of Dismissed FY05		
8	16	0.22%
9	38	0.53
10	69	0.96
11	99	1.37
12	232	3.22
13	510	7.08
14	900	12.49
15	1,350	18.74
16	1,644	22.82
17	1,901	26.39
Unknown	445	6.18
TOTAL	7,204	100.0
Ethnicity: Disposition of Dismissed FY05		
Hispanic	2,686	37.28%
African American	701	9.73
Anglo	3,372	46.81
Native American	353	4.90
Asian/Pacific Islander	32	0.44
Other	20	0.28
Unknown	40	0.56
TOTAL	7,204	100.0
Education Status: Disposition of Dismissed FY05		
Enrolled	4,962	68.88%
Not Enrolled	664	9.22
Expelled	19	0.26
Suspended	32	0.44
Withdrawn	38	0.53
Graduated	8	0.11
GED Program	9	0.12
Unknown	1,472	20.43
TOTAL	7,204	100.0

Severity of Most Serious Offense: Disposition of Dismissed FY05		
Felonies Against Person	343	4.76%
Felonies Against Property	731	10.15
Obstruction of Justice: Felony & Misdemeanor	1,225	17.00
Misdemeanors Against Person	759	10.54
Drugs: Felony & Misdemeanor	743	10.31
Public Peace: Felony & Misdemeanor	1,816	25.21
Misdemeanors Against Property	735	10.20
Status Offenses	839	11.65
Citations/Administrative	13	0.18
TOTAL	7,204	100.0

Offense Class of Most Serious Offense: Disposition of Dismissed FY05		
Felony	2,029	28.16%
Misdemeanor	3,326	46.17
Administrative	903	12.53
Status	839	11.65
Other	107	1.49
TOTAL	7,204	100.0

Number of Prior Referrals: Disposition of Dismissed FY05		
0	2,105	29.22%
1	1,294	17.96
2	952	13.21
3	683	9.48
4	474	6.58
5	351	4.87
6	291	4.04
7	222	3.08
8 or more	832	11.55
TOTAL	7,204	100.0

Dismissed



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FY 2005

Juveniles with Disposition of Penalty Only

PENALTY ONLY

JUVENILES WITH DISPOSITIONS OF PENALTY ONLY IN FY05

The information presented in this section characterizes individual youth (unduplicated). For those youth who received a penalty more than once during the fiscal year, information from the first instance during the time frame is reported.

The table below shows the distribution of youth across the counties in Arizona. On the following two pages, demographic and offense-specific information are presented.

Adjudicated juveniles may receive a disposition of penalty only. Penalties may include but are not limited to monetary fines, community service work, and/or participation in various treatment programs to change the juvenile's behavior. Juveniles with dispositions of penalty only are not assigned to a diversion program, nor are they placed on Standard Probation, Juvenile Intensive Probation Supervision (JIPS), or committed to the Arizona Department of Juvenile Corrections.

County: Disposition of Penalty Only FY05		
Apache	0	0.0%
Cochise	43	8.46
Coconino	46	9.06
Gila	7	1.38
Graham	7	1.38
Greenlee	0	0.00
La Paz	0	0.00
Maricopa	179	35.24
Mohave	1	0.20
Navajo	12	2.36
Pima	21	4.13
Pinal	66	12.99
Santa Cruz	64	12.60
Yavapai	5	0.98
Yuma	57	11.22
TOTAL	508	100.0

Dispositions of penalty only showed an increase of 15.7% over FY04. The juveniles given a disposition of penalty parallels the number in FY02 (503). This is the first increase in this number since FY98. In that year, there were 843 juveniles receiving a penalty only. The number has shown a steady decline until FY05.

Gender: Disposition of Penalty Only FY05		
Male	369	72.64%
Female	139	27.36
Unknown	0	0.00
TOTAL	508	100.0

Age: Disposition of Penalty Only FY05		
8	0	0.00%
9	0	0.00
10	2	0.39
11	4	0.79
12	8	1.57
13	14	2.76
14	24	4.72
15	63	12.40
16	88	17.32
17	285	56.10
Unknown	20	3.94
TOTAL	508	100.0

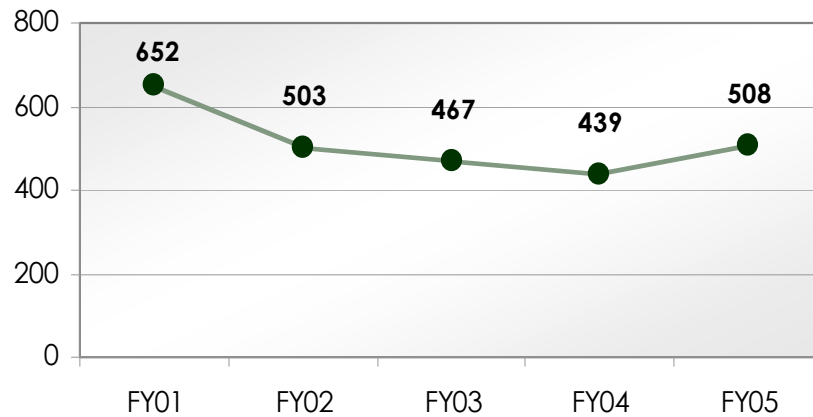
Ethnicity: Disposition of Penalty Only FY05		
Hispanic	223	43.90%
African American	31	6.10
Anglo	219	43.11
Native American	33	6.50
Asian/Pacific Islander	1	0.20
Other	0	0.00
Unknown	1	0.20
TOTAL	508	100.0

Education Status: Disposition of Penalty Only FY05		
Enrolled	339	66.73%
Not Enrolled	52	10.24
Expelled	1	0.20
Suspended	1	0.20
Withdrawn	2	0.39
Graduated	4	0.79
GED Program	2	0.39
Unknown	107	21.06
TOTAL	508	100.0

Severity of Most Serious Offense: Disposition of Penalty Only FY05		
Felonies Against Person	9	1.77%
Felonies Against Property	36	7.09
Obstruction of Justice: Felony & Misdemeanor	83	16.34
Misdemeanors Against Person	42	8.27
Drugs: Felony & Misdemeanor	48	9.45
Public Peace: Felony & Misdemeanor	220	43.31
Misdemeanors Against Property	50	9.84
Status Offenses	19	3.74
Citations/Administrative	1	0.20
TOTAL	508	100.0

Offense Class of Most Serious Offense: Disposition of Penalty Only FY05			Number of Prior Referrals: Disposition of Penalty Only FY05		
Felony	112	22.05%	0	125	24.61%
Misdemeanor	301	59.25	1	80	15.75
Administrative	75	14.76	2	74	14.57
Status	19	3.74	3	49	9.65
Other	1	0.20	4	36	7.09
			5	31	6.10
			6	27	5.31
			7	16	3.15
			8 or more	70	13.78
TOTAL	508	100.0	TOTAL	508	100.0

Penalty Only



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FY 2005

Juveniles with Disposition of Standard Probation

STANDARD PROBATION

JUVENILES WITH DISPOSITIONS OF STANDARD PROBATION IN FY05

The information presented in this section characterizes individual youth (unduplicated). For those youth who were placed on probation more than once during the fiscal year, information from the first instance during the time frame is reported.

The table below shows the distribution of youth across the counties in Arizona. On the following two pages, demographic and offense-specific information are presented.

Probation is defined as conditional freedom granted by the juvenile court to an adjudicated juvenile on the condition of continued good behavior and regular reporting to a probation officer. The core tenets of juvenile probation are: protection of the community, the belief that youth can make positive changes in their behavior, fostering law-abiding behavior, restitution to victims and society for the wrongs committed against them, preservation of the best interest of the child, and stability of the family unit.

Juveniles placed on probation must comply with specific terms and conditions. Although every probation treatment plan is customized to address the needs of each individual juvenile, some standard terms and conditions apply to all cases. The standard terms and conditions include scheduled contacts with a probation officer, maintaining law abiding behavior, and paying restitution to the victim. Additional terms may also be imposed depending on individual juvenile needs, such as: mandatory drug testing, curfew, school attendance, community service hours, letters of apology, attendance at counseling or treatment sessions, and restrictions on acquaintances.

Once a juvenile has been placed on probation, the juvenile probation officer monitors the juvenile's compliance with the terms and conditions of their probation. The probation officer works closely with the juvenile and their family as well as members of the community including teachers, victims, treatment providers and others involved in the life of the juvenile and their family. The court can impose multiple restrictions and provide resources to help the juvenile. If the youth does not choose to comply or chooses to continue violating the law, the probation officer will refer the juvenile back to the court. The court may in turn impose more severe liberty restrictions, including detention, placement in the JIPS program or commitment to the Arizona Department of Juvenile Corrections.

County: Disposition of Standard Probation FY05		
Apache	86	0.86%
Cochise	127	1.26
Coconino	318	3.17
Gila	165	1.64
Graham	161	1.60
Greenlee	31	0.31
La Paz	30	0.30
Maricopa	5,452	54.29
Mohave	332	3.31
Navajo	217	2.16
Pima	1,727	17.20
Pinal	373	3.71
Santa Cruz	208	2.07
Yavapai	313	3.12
Yuma	503	5.01
TOTAL	10,043	100.0

In FY05, 10,043 juveniles were given a disposition of standard probation, a decrease of 4.6% from FY04. Dispositions to standard probation have decreased by 9% since FY01. In FY01 and FY04, slight increases were noted from the prior year.

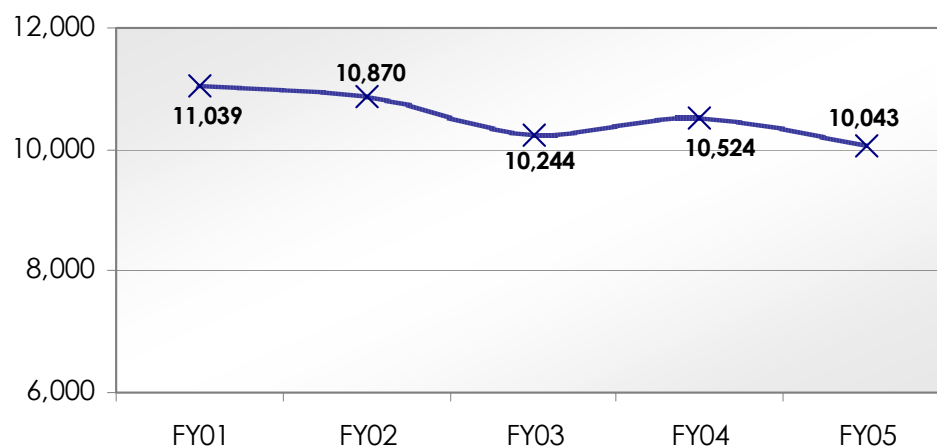
Gender: Disposition of Standard Probation FY05		
Male	7,349	73.18%
Female	2,694	26.82
Unknown	0	0.00
TOTAL	10,043	100.0
Age: Disposition of Standard Probation FY05		
8	0	0.00%
9	8	0.08
10	23	0.23
11	63	0.63
12	256	2.55
13	704	7.01
14	1,400	13.94
15	2,121	21.12
16	2,554	25.43
17	2,891	28.79
Unknown	23	0.23
TOTAL	10,043	100.00
Ethnicity: Disposition of Standard Probation FY05		
Hispanic	3,953	39.36%
African American	828	8.24
Anglo	4,515	44.96
Native American	657	6.54
Asian/Pacific Islander	39	0.39
Other	29	0.29
Unknown	22	0.22
TOTAL	10,043	100.0
Education Status: Disposition of Standard Probation FY05		
Enrolled	7,799	77.66%
Not Enrolled	903	8.99
Expelled	25	0.25
Suspended	36	0.36
Withdrawn	34	0.34
Graduated	7	0.07
GED Program	5	0.05
Unknown	1,234	12.29
TOTAL	10,043	100.0

Severity of Most Serious Offense: Disposition of Standard Probation FY05		
Felonies Against Person	821	8.17%
Felonies Against Property	1,996	19.87
Obstruction of Justice: Felony & Misdemeanor	2,011	20.02
Misdemeanors Against Person	908	9.04
Drugs: Felony & Misdemeanor	1,481	14.75
Public Peace: Felony & Misdemeanor	1,618	16.11
Misdemeanors Against Property	751	7.48
Status Offenses	297	2.96
Citations/Administrative	160	1.59
TOTAL	10,043	100.0

Offense Class of Most Serious Offense: Disposition of Standard Probation FY05		
Felony	4,936	49.15%
Misdemeanor	3,507	34.92
Administrative	1,142	11.37
Status	298	2.97
Other	160	1.59
TOTAL	10,043	100.0

Number of Prior Referrals: Disposition of Standard Probation FY05		
0	2,192	21.83%
1	1,897	18.89
2	1,737	17.30
3	1,240	12.35
4	912	9.08
5	580	5.78
6	411	4.09
7	291	2.90
8 or more	783	7.80
TOTAL	10,043	100.0

Standard Probation



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FY 2005

Juveniles with Dispositions of JIPS

JIPS

JUVENILES WITH DISPOSITIONS OF JIPS IN FY05

The information presented in this section characterizes individual youth (unduplicated). For those youth who were placed on Intensive Probation more than once during the fiscal year, information from the first instance during the time frame is reported.

The table below shows the distribution of youth across the counties in Arizona. On the following two pages, demographic and offense-specific information are presented.

Juvenile Intensive Probation Supervision (JIPS) is a sentencing consequence used by the juvenile court judges for those youth who are in need of a higher level of supervision and a highly structured program. The program was enacted into law in 1987. The intent of this legislation was to create a program which would allow juvenile delinquents to remain at home under increased supervision and structure rather than be placed in either a residential treatment facility or the Arizona Department of Juvenile Corrections (ADJC). Financial considerations weighed heavily in the formation of the program, as JIPS is a less costly alternative than ADJC or residential treatment.

JIPS differs from standard probation in the increased frequency of face to face contacts between the juvenile and the JIPS officer, the requirement to actively participate in 32 hours of structured activities per week, the liberty restrictions concerning unsupervised time out of the home, the frequency of drug testing on demand, and the lower caseload ratio. Additional information about the program is available in the JIPS Annual Report. The figures

reported in the JIPS Annual Report may differ from those reported in Juveniles Processed because the JIPS Annual Report includes all juveniles whose cases were active during the fiscal year. The Juveniles Processed report includes only juveniles dispositioned to JIPS during the fiscal year.

County: Disposition of JIPS FY05		
Apache	18	0.82%
Cochise	97	4.42
Coconino	58	2.64
Gila	34	1.55
Graham	25	1.14
Greenlee	9	0.41
La Paz	10	0.46
Maricopa	939	42.82
Mohave	114	5.20
Navajo	59	2.69
Pima	289	13.18
Pinal	118	5.38
Santa Cruz	42	1.92
Yavapai	117	5.34
Yuma	264	12.04
TOTAL	2,193	100.0

Disposition or placement on JIPS is usually reserved for certain situations. Specifically, only juveniles who are adjudicated for delinquent acts or for violations of probation originating from a delinquent act are eligible for JIPS. The first type of youth placed in the program is one who would otherwise have been recommended for placement in an out-of-home institutional or residential setting. The second type of youth is one who, when considering the nature of the offense, their prior delinquent history, or risk to the community, have demonstrated a need for a highly structured, closely supervised program of probation emphasizing surveillance, education, work, and home detention. A third discreet category of youth placed on JIPS are those adjudicated for a second felony offense. In these cases, the Juvenile Court is limited to the three choices cited in A.R.S. §8-341. These options are JIPS, ADJC or prosecution as an adult.

Over the last five years, the number of juveniles placed on JIPS has decreased by 14% (9.8% between FY03 and FY05).

Gender: Disposition of JIPS FY05		
Male	1,834	83.63%
Female	359	16.37
Unknown	0	0.00
TOTAL	2,193	100.0

Age: Disposition of JIPS FY05		
8	0	0.00%
9	0	0.00
10	0	0.00
11	4	0.18
12	19	0.87
13	97	4.42
14	320	14.59
15	485	22.12
16	627	28.59
17	635	28.96
Unknown	6	0.27
TOTAL	2,193	100.0

Ethnicity: Disposition of JIPS FY05		
Hispanic	1,044	47.61%
African American	177	8.07
Anglo	856	39.03
Native American	101	4.61
Asian/Pacific Islander	6	0.27
Other	7	0.32
Unknown	2	0.09
TOTAL	2,193	100.0

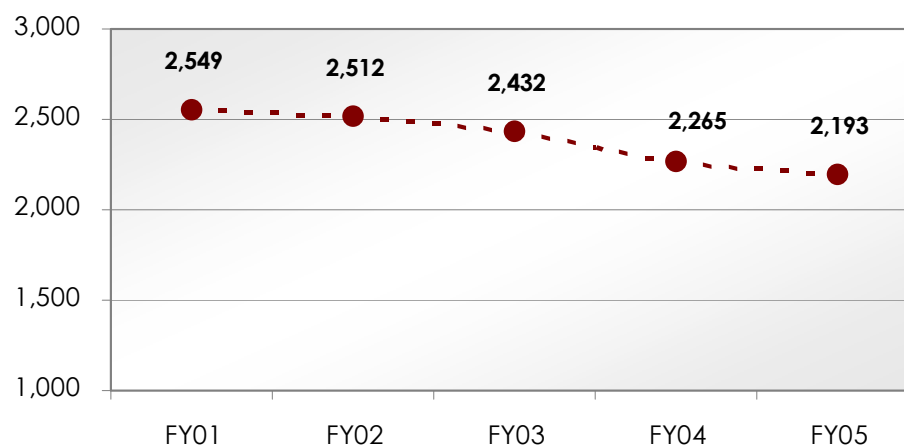
Education Status: Disposition of JIPS FY05		
Enrolled	1,633	74.46%
Not Enrolled	331	15.09
Expelled	12	0.55
Suspended	17	0.78
Withdrawn	25	1.14
Graduated	4	0.18
GED Program	3	0.14
Unknown	168	7.66
TOTAL	2,193	100.0

Severity of Most Serious Offense: Disposition of JIPS FY05		
Felonies Against Person	232	10.58%
Felonies Against Property	527	24.03
Obstruction of Justice: Felony & Misdemeanor	1,019	46.47
Misdemeanors Against Person	71	3.24
Drugs: Felony & Misdemeanor	158	7.20
Public Peace: Felony & Misdemeanor	115	5.24
Misdemeanors Against Property	59	2.69
Status Offenses	3	0.14
Citations/Administrative	9	0.41
TOTAL	2,193	100.0

Offense Class of Most Serious Offense: Disposition of JIPS FY05		
Felony	1,107	50.48%
Misdemeanor	367	16.74
Administrative	710	32.38
Status	0	0.00
Other	9	0.41
TOTAL	2,193	100.0

Number of Prior Referrals: Disposition of JIPS FY05		
0	72	3.28%
1	110	5.02
2	171	7.80
3	203	9.26
4	248	11.31
5	243	11.08
6	198	9.03
7	188	8.57
8 or more	760	34.66
TOTAL	2,193	100.0

Juvenile Intensive Probation (JIPS)



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FY 2005

Juveniles with Disposition to ADJC

ADJC

JUVENILES WITH DISPOSITIONS TO ADJC IN FY05

The information presented in this section characterizes individual youth (unduplicated). For those youth who were committed or awarded to ADJC more than once during the fiscal year, information from the first instance during the time frame is reported.

The table below shows the distribution of youth across the counties in Arizona. On the following two pages, demographic and offense-specific information are presented.

Disposition of a juvenile to the Arizona Department of Juvenile Corrections (ADJC) is governed by statute and the Arizona Judicial Code of Administration. Arizona Revised Statutes §8-342 (A) provides: "A child under the age of eight years shall not be committed to the department of juvenile corrections nor shall a dependent or incorrigible child be awarded to the department of juvenile corrections." Arizona Revised Statutes §8-246(C), as amended, mandates: 1) the use of risk and needs assessment to determine appropriate disposition of juveniles; 2) development of commitment guidelines for use by juvenile court judges for dispositions of juveniles to ADJC; and 3) development of length of stay guidelines consistent with treatment and public safety concerns.

The primary purpose of the commitment guidelines is to prescribe factors the court must consider, in addition to other relevant facts, when

committing youth to the care and custody of ADJC. The legislative intent is that commitment to ADJC should be reserved for those juveniles whom the Court believes need placement in a secure care facility for the protection of the public.

The commitment guidelines as revised and adopted in July, 2001 and documented in the Arizona Code of Judicial Administration Part 6, Chapter 3, Section 6-304 can be found in the Notes section at the end of the document.⁸

County: Disposition to ADJC FY05		
Apache	11	1.27%
Cochise	19	2.20
Coconino	38	4.40
Gila	11	1.27
Graham	7	0.81
Greenlee	0	0.00
La Paz	5	0.58
Maricopa	488	56.55
Mohave	33	3.82
Navajo	7	0.81
Pima	120	13.90
Pinal	43	4.98
Santa Cruz	16	1.85
Yavapai	29	3.36
Yuma	36	4.17
TOTAL	863	100.0

In FY05, 863 juveniles were committed to ADJC, a decline of 2.4% from FY04. Over the last five years, commitments dropped by 20%.

- 45% of the juveniles were committed for obstruction of justice offenses such as probation and parole violations. The most severe offense is generally not the only consideration in the commitment (i.e., prior offense history, prior placement, risk to the community and need for a more secure placement).
- 54.3% of the juveniles committed to ADJC had 8 or more prior referrals, suggesting that the more chronic offenders are being placed in ADJC.

Gender: Disposition to ADJC FY05		
Male	734	85.05%
Female	129	14.95
Unknown	0	0.00
TOTAL	863	100.0

Age: Disposition to ADJC FY05		
8	0	0.00%
9	0	0.00
10	0	0.00
11	1	0.12
12	2	0.23
13	17	1.97
14	67	7.76
15	184	21.32
16	275	31.87
17	317	36.73
Unknown	0	0.00
TOTAL	863	100.0

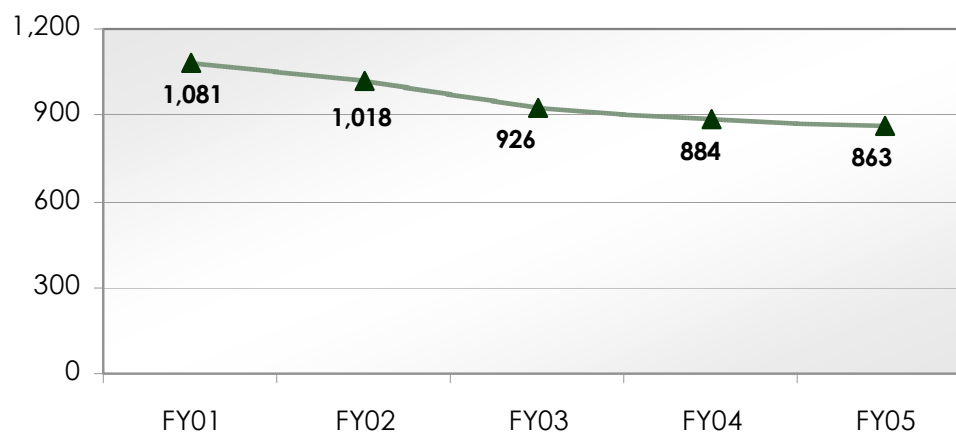
Ethnicity: Disposition to ADJC FY05		
Hispanic	434	50.29%
African American	90	10.43
Anglo	290	33.60
Native American	47	5.45
Asian/Pacific Islander	0	0.00
Other	1	0.12
Unknown	1	0.12
TOTAL	863	100.0

Education Status: Disposition to ADJC FY05		
Enrolled	489	56.66%
Not Enrolled	258	29.90
Expelled	2	0.23
Suspended	7	0.81
Withdrawn	13	1.51
Graduated	2	0.23
GED Program	2	0.23
Unknown	90	10.43
TOTAL	863	100.0

Severity of Most Serious Offense: Disposition to ADJC FY05		
Felonies Against Person	99	11.47%
Felonies Against Property	197	22.83
Obstruction of Justice: Felony & Misdemeanor	386	44.73
Misdemeanors Against Person	32	3.71
Drugs: Felony & Misdemeanor	76	8.81
Public Peace: Felony & Misdemeanor	47	5.45
Misdemeanors Against Property	24	2.78
Status Offenses	0	0.00
Citations/Administrative	2	0.23
TOTAL	863	100.0

Offense Class of Most Serious Offense: Disposition to ADJC FY05			Number of Prior Referrals: Disposition to ADJC FY05		
Felony	442	51.22%	0	39	4.52%
Misdemeanor	116	13.44	1	31	3.59
Administrative	304	35.23	2	28	3.24
Status	0	0.00	3	39	4.52
Other	1	0.12	4	51	5.91
			5	60	6.95
			6	70	8.11
			7	76	8.81
			8 or more	469	54.35
TOTAL	863	100.0	TOTAL	863	100.0

Arizona Department of Juvenile Corrections (ADJC)



ADJC & AOC

COMPARISON BETWEEN ARIZONA DEPARTMENT OF JUVENILE CORRECTIONS & ARIZONA OFFICE OF THE COURTS

The Juveniles Processed publication has traditionally reported the ADJC category as Judicial Decisions of Commitment during the time frame. This number causes some confusion between information produced by ADJC. The agency traditionally reports new juveniles committed to ADJC.

Juveniles Processed counts juveniles during the Fiscal Year who received a Judicial Decision to place them or award them to the Arizona Department of Juvenile Corrections. Thus, three groups of juveniles are counted: 1.) Juveniles who are new commitments to ADJC 2.) Juveniles who were committed during a prior time frame and during FY05 received an additional decision to commit or award the juvenile to ADJC and 3.) Juveniles who were previously discharged from ADJC and were again committed to ADJC.

A supplement to this document is being prepared by ADJC and AOC staff to present the commitment information using the above three groupings. It is hoped that the additional clarification will assist in understanding.

FY 2005

Juveniles Direct Filed in and Transferred to Adult Court

DIRECT FILED & TRANSFERRED

JUVENILES DIRECT FILED AND TRANSFERRED TO ADULT COURT IN FY05

Statutory provisions specify circumstances for prosecuting juveniles as if they were adults in criminal court. Juveniles may be either direct filed in or transferred to adult court. The provisions (presented here as pathways) are summarized below, with more detail in the two sections that follow. This section provides an overview of two groups of youth:

Juveniles Direct Filed in Adult Court

Juveniles Transferred to Adult Court

Essentially, five pathways have been identified. They are briefly described below. The numbers of youth who were filed in adult court through one of these pathways are presented on the next page. Since the Direct Filed section and the Transfer section include all dispositions specific to those sections, the tables in this section include duplicate counts.²

Pathways to Adult Court

- **Mandatory:** Juveniles ages 15, 16, or 17 who commit a specified violent crime must be filed in adult court.
- **Mandatory Prior:** Juveniles previously convicted in adult court must be returned to adult court for any subsequent crimes or violations of probation.
- **Chronic:** Juveniles ages 15, 16 or 17 who have two prior felony adjudications in juvenile court and are arrested for a third felony must go to adult court.
- **Discretion:** At the discretion of the county attorney, any juveniles who are 14 and chronic offenders or are 14 or older and commit one of a list of specified offenses may be filed in adult court.
- **Transfer:** Juveniles who do not meet the above criteria may still be transferred by the juvenile court depending on a number of factors, such as the type and severity of the offense and the juvenile's record and previous history. The county attorney may request an order of the juvenile court transferring jurisdiction to the criminal division of the Superior Court for prosecution of any juvenile charged with a felony.

Pathways for Juveniles Filed in Adult Court FY05		
Pathways	Number of Juveniles	% of Total
Transfer	95	19.11%
Mandatory	167	33.60
Mandatory Prior Conviction	14	2.82
Chronic	57	11.47
Discretionary	164	33.00
TOTAL	497*	100.0

County: Direct Filed in and Transferred to Adult Court FY05		
Apache	0	0.00%
Cochise	2	0.40
Coconino	5	1.01
Gila	1	0.20
Graham	0	0.00
Greenlee	0	0.00
La Paz	0	0.00
Maricopa	344	69.22
Mohave	13	2.62
Navajo	2	0.40
Pima	91	18.31
Pinal	9	1.81
Santa Cruz	9	1.81
Yavapai	12	2.41
Yuma	9	1.81
TOTAL	*497	100.0

*The number of juveniles in these tables is a duplicated count. A youth could be counted twice because of the possibility of being both direct filed and transferred to adult court during a single fiscal year.

DIRECT FILED IN ADULT COURT

The information presented in this section characterizes individual youth (unduplicated). For those youth who were direct filed in adult court more than once during the fiscal year, information from the first instance during the time frame is reported.

The table below shows the distribution of youth across the counties in Arizona. On the following two pages, demographic and offense-specific information are presented.

Furthermore, the county attorney has the discretion to bring criminal prosecution against fourteen (14) year old juveniles accused of the offenses enumerated above. Criminal prosecution may also be brought against juveniles fourteen or older who have been accused of class 1 or class 2 felonies or of selected class 3, 4, 5, and 6 felonies. These are referred to as **Discretionary** filings. In addition, criminal prosecution may be brought against any juvenile with a prior conviction in adult court. These are referred to as **Mandatory Prior Conviction** filings.

Arizona Revised Statutes §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 fifteen, sixteen, or seventeen years of age and is accused of any of the following offenses”:

1. First degree murder;
2. Second degree murder;
3. Forcible sexual assault;
4. Armed robbery;
5. Any other violent offenses, defined as aggravated assault A.R.S. §13-1204 A.1., aggravated assault with a deadly weapon A.R.S. §13-1204 A.2., drive by shooting, and discharging a firearm at a structure;
6. A felony offense committed by a chronic offender, defined as a juvenile who has two prior and separate adjudications;
7. Any offense that is properly joined to the above offenses.

These offense categories are used to define pathways to (or filings in) adult court referred to as **Mandatory** (1 through 5 and 7) and **Chronic** (6).

County: Juveniles Direct Filed in Adult Court FY05		
Apache	0	0.00%
Cochise	2	0.50
Coconino	5	1.24
Gila	0	0.00
Graham	0	0.00
Greenlee	0	0.00
La Paz	0	0.00
Maricopa	280	69.65
Mohave	9	2.24
Navajo	2	0.50
Pima	82	20.40
Pinal	9	2.24
Santa Cruz	6	1.49
Yavapai	1	0.25
Yuma	6	1.49
TOTAL	402	100.0

From FY01 to FY05, direct filings to adult court dropped by 31%. Over the past year, direct filings declined by 2.6%.²

During FY99, the direct filings to adult court reached a high of 769 juveniles. The number has declined since that time.

Gender: Juveniles Direct Filed FY05		
Male	378	94.03%
Female	24	5.97
Unknown	0	0.00
TOTAL	402	100.0

Age: Juveniles Direct Filed FY05		
8	0	0.00%
9	0	0.00
10	0	0.00
11	0	0.00
12	0	0.00
13	0	0.00
14	4	1.00
15	54	13.43
16	113	28.11
17	225	55.97
Unknown	6	1.49
TOTAL	402	100.0

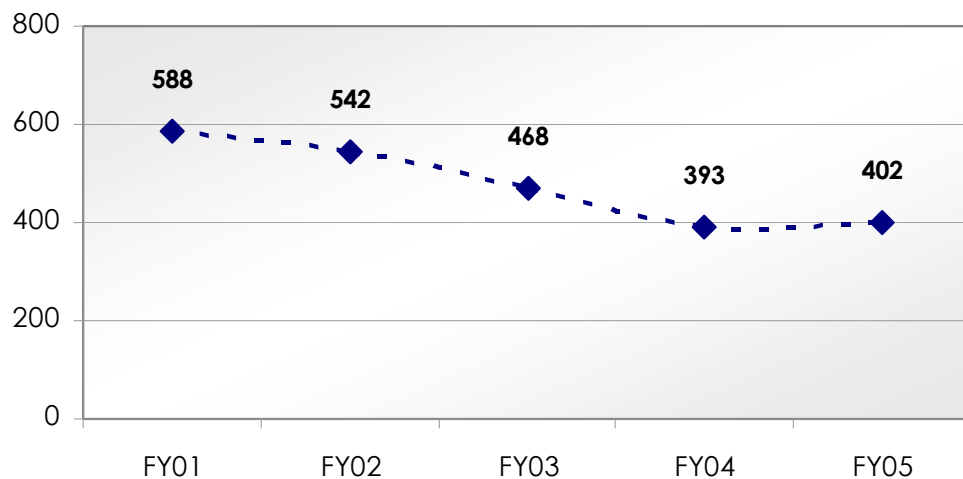
Ethnicity: Juveniles Direct Filed FY05		
Hispanic	216	53.73 %
African American	60	14.93
Anglo	101	25.12
Native American	13	3.23
Asian/Pacific Islander	6	1.49
Other	1	0.25
Unknown	5	1.24
TOTAL	402	100.0

Education Status: Juveniles Direct Filed FY05		
Enrolled	191	47.51%
Not Enrolled	145	36.07
Expelled	1	0.25
Suspended	3	0.75
Withdrawn	4	1.00
Graduated	1	0.25
GED Program	0	0.00
Unknown	57	14.18
TOTAL	402	100.0

Severity of Most Serious Offense: Juveniles Direct Filed FY05		
Felonies Against Person	216	53.73%
Felonies Against Property	122	30.35
Obstruction of Justice: Felony & Misdemeanor	3	0.75
Misdemeanors Against Person	1	0.25
Drugs: Felony & Misdemeanor	52	12.94
Public Peace: Felony & Misdemeanor	7	1.74
Misdemeanors Against Property	1	0.25
Status Offenses	0	0.00
Citations/Administrative	0	0.00
TOTAL	402	100.0

Offense Class of Most Serious Offense: Juveniles Direct Filed FY05			Number of Prior Referrals: Juveniles Direct Filed FY05		
Felony	398	99.00%	0	68	16.92%
Misdemeanor	4	1.00	1	55	13.68
Administrative	0	0.00	2	36	8.96
Status	0	0.00	3	28	6.97
Other	0	0.00	4	27	6.72
			5	19	4.73
			6	26	6.47
			7	21	5.22
			8 or more	122	30.35
TOTAL	402	100.0	TOTAL	402	100.0

Direct Filed to Adult Court



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TRANSFERRED TO ADULT COURT

Prior to FY97 and the passage of Proposition 102, the sole pathway to adult court for juveniles was through the judicial transfer process. The implementation of Senate Bill (SB) 1446 initiated the shift from judicial transfers to direct filing in adult court by the county attorney as the primary pathway to adult court. SB 1446 also changed A.R.S. §8-327 which details the process for transferring juveniles to adult court. These provisions were effective July 21, 1997, shortly after the beginning of FY98.

An order to transfer is based on findings of a preponderance of evidence of probable cause that: the offense was committed, the juvenile committed the offense, and a transfer would best serve public safety. The determination of whether public safety would be served is based on the following factors as stated in A.R.S. §8-327 D:

1. The seriousness of the offense involved;
2. The record and previous history of the juvenile, including previous contacts with the courts and law enforcement, previous periods of any court ordered probation and the results of that probation;
3. Any previous commitments of the juvenile to juvenile residential placements and secure institutions;
4. If the juvenile was previously committed to the Department of Juvenile Corrections for a felony offense;
5. If the juvenile committed another felony offense while the juvenile was a ward of the

department of juvenile corrections;

6. If the juvenile committed the alleged offense while participating in, assisting, promoting or furthering the interests of a criminal street gang, a criminal syndicate or a racketeering enterprise;

7. The views of the victim of the offense;

8. If the degree of the juvenile's participation in the offense was relatively minor but not so minor as to constitute a defense to prosecution;

9. The juvenile's mental and emotional condition;

10. The likelihood of the juvenile's reasonable rehabilitation through the use of services and facilities that are currently available to the juvenile court.

County: Juveniles Transferred to Adult Court FY05		
Apache	0	0.00%
Cochise	0	0.00
Coconino	0	0.00
Gila	1	1.05
Graham	0	0.00
Greenlee	0	0.00
La Paz	0	0.00
Maricopa	64	67.37
Mohave	4	4.21
Navajo	0	0.00
Pima	9	9.47
Pinal	0	0.00
Santa Cruz	3	3.16
Yavapai	11	11.58
Yuma	3	3.16
TOTAL	95	100.0

From FY04 to FY05, transfers to adult court decreased by 9.5%. This puts FY05 on a par with several years prior to FY04.

Overall, the direct filing process accounts for 4 out of every 5 juveniles being prosecuted in adult court.

Filings in adult court, combined direct filings and remands, reached a high of 1,083 in FY98. There has been a general trend downward since then.

Gender: Juveniles Transferred FY05		
Male	93	97.89%
Female	2	2.11
Unknown	0	0.00
TOTAL	95	100.0
Age: Juveniles Transferred FY05		
8	0	0.00%
9	0	0.00
10	0	0.00
11	0	0.00
12	0	0.00
13	0	0.00
14	0	0.00
15	1	1.05
16	7	7.37
17	79	83.16
Unknown	8	8.42
TOTAL	95	100.0

Ethnicity: Juveniles Transferred FY05		
Hispanic	47	49.47%
African American	5	5.26
Anglo	39	41.05
Native American	3	3.16
Asian/Pacific Islander	0	0.00
Other	1	1.05
Unknown	0	0.00
TOTAL	95	100.0

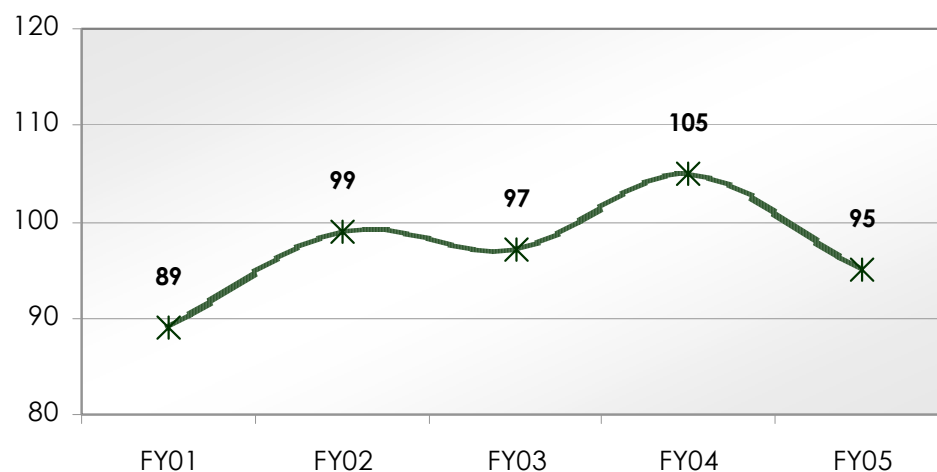
Education Status: Juveniles Transferred FY05		
Enrolled	31	32.63%
Not Enrolled	34	35.79
Expelled	2	2.11
Suspended	0	0.00
Withdrawn	0	0.00
Graduated	1	1.05
GED Program	0	0.00
Unknown	27	28.42
TOTAL	95	100.0

Severity of Most Serious Offense: Juveniles Transferred FY05		
Felonies Against Person	18	18.95%
Felonies Against Property	54	56.84
Obstruction of Justice: Felony & Misdemeanor	0	0.00
Misdemeanors Against Person	1	1.05
Drugs: Felony & Misdemeanor	11	11.58
Public Peace: Felony & Misdemeanor	11	11.58
Misdemeanors Against Property	0	0.00
Status Offenses	0	0.00
Citations/Administrative	0	0.00
TOTAL	95	100.0

Offense Class of Most Serious Offense: Juveniles Transferred FY05		
Felony	90	94.74%
Misdemeanor	5	5.26
Administrative	0	0.00
Status	0	0.00
Other	0	0.00
TOTAL	95	100.0

Number of Prior Referrals: Juveniles Transferred FY05		
0	16	16.84%
1	15	15.79
2	8	8.42
3	6	6.32
4	6	6.32
5	4	4.21
6	7	7.37
7	5	5.26
8 or more	28	29.47
TOTAL	95	100.0

Juveniles Transferred to Adult Court



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FY 2005

Gender

SPECIAL TOPIC: GENDER

JUVENILES REFERRED IN FY05

In January, 2005, the Child Welfare League hosted a conference *National Girls Initiative: Florence Crittendon Roundtable 2005*. This “special topics” section was prompted by that conference and other work being done in Arizona. This section offers an initial analysis of the differences between boys and girls in Arizona’s juvenile justice system. Information is provided on referrals, age at first referral, offense severity, proportions of boys and girls at each stage in the juvenile justice system, and treatment received in FY05. This was first published in last year’s *Juveniles Processed* and is replicated this year.

Over the last decade, increasing attention has been paid to girls in the juvenile justice system. According to the Office of Juvenile Justice and Delinquency Prevention (2002), girls’ arrests have been increasing in most categories faster than boys’ arrests. In Arizona, the proportions have held fairly constant although girls’ referrals are decreasing at a slower rate than boys’ referrals. Over the

last five years, there has been a 1.1% decrease in girls referred compared to a 7.7% decrease in boys referred.

Traditionally, boys have been seen as committing more delinquent and serious offenses than girls. The proportions of boys and girls in the Arizona juvenile justice system bear out this view. As seen below, boys make up an increasing percentage of the total number of juveniles as they move through the juvenile justice system.

Percentage of Each Gender at Stages in the Juvenile Justice System FY05

	Female	Male
Referral	34.80%	65.20%
Detention	25.96	74.04
Diversion	40.65	59.35
Petitioned	26.94	73.06
Dismissed	28.16	71.84
Penalty Only	27.36	72.64
Standard Probation	26.82	73.18
JIPS	16.37	83.63
ADJC	14.95	85.05
Direct Filed	5.97	94.03
Transferred	2.11	97.89

Average Age

For the juveniles referred in FY05, girls entered the juvenile justice system for the first time at the same age as boys (average age of 14.1 for girls compared to 13.8 for boys). This is almost identical to FY04.

Offense Severity and Type

Girls and boys differ in the distribution of their referral offenses. Three offense categories make up two-thirds of girls referrals: public peace (25.1%); status (22.7%); and misdemeanors against property (18.1%). On the other hand, apart from public peace offenses (26.6%), boys' referral offenses are more equally distributed across severity categories.

Misdemeanors make up the largest proportion of offenses for both boys and girls. Over the last five years, however, felonies have consistently made up a greater percentage of the total referral offenses for boys than for girls. Interestingly though, the proportion of girls' felonies increased from 16.8% in FY01 to 18.1% in FY05, while the proportion of boys' felonies has basically remained level (35.4% in FY01 to 35.1% in FY05).

Average Age at First Referral FY05		
	Age	#
Female	14.09	16,854
Male	13.84	31,582
TOTAL		48,436

Severity of Most Serious Referral Offense: Percentage By Gender FY05		
	Female	Male
Felonies Against Person	2.6%	6.1%
Felonies Against Property	5.9	12.9
Obstruction of Justice: Fel. & Misd.	7.3	10.1
Misdemeanors Against Person	10.1	8.8
Drugs: Fel. & Misd.	7.4	11.5
Public Peace: Fel. & Misd.	25.1	26.6
Misdemeanors Against Property	18.1	11.3
Status Offenses	22.7	12.0
Citations/Administrative	0.7	0.7
TOTAL	100.0	100.0

Offense Type of Most Serious Referral Offense: Percentage By Gender FY2001 to FY2005		
	Female	Male
Felony		
2001	2,866 (16.8%)	12,111 (35.4%)
2002	3,085 (17.9%)	11,706 (35.3%)
2003	2,923 (17.4%)	11,267 (34.4%)
2004	3,008 (18.0%)	11,586 (35.0%)
2005	3,052 (18.1%)	11,087 (35.1%)
Misdemeanor		
2001	8,458 (49.6%)	15,456 (45.2%)
2002	8,613 (50.1%)	14,966 (45.1%)
2003	8,698 (51.8%)	15,364 (46.9%)
2004	8,704 (52.0%)	15,362 (46.4%)
2005	9,016 (53.5%)	14,528 (46.0%)

Treatment Received

Of the 16,854 girls referred in FY05, 34.6% received treatment services during the year compared to 43.6% of the boys.

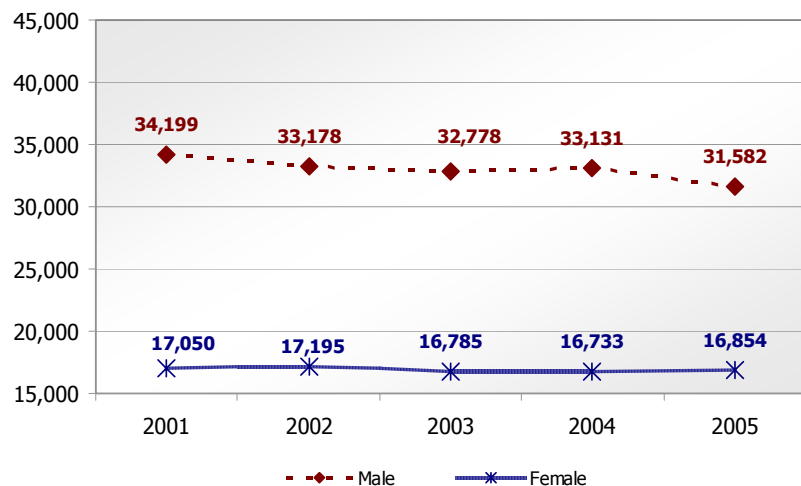
On average, \$722.76 was spent on treatment for girls and \$797.01 was spent on boys.

The biggest allocation of treatment monies for both boys (49.3%) and girls (35.9%) was for "Out of Home" services (residential, group homes, detention alternatives, etc.). The next largest amount of money spent on boys was for sex offender treatment (19.8%), for girls general outpatient mental health and substance abuse treatment.

Juveniles Referred in FY05 Who Received Treatment (Tx) in FY05			
	Total Referred	Rec'd Tx	%
Female	16,854	5,834	34.6%
Male	31,582	13,782	43.6
TOTAL	48,436	19,616	

FY05 Treatment Expenditures by Category Percentage of Total Dollars Spent		
	% Female	% Male
Ancillary Services	3.8%	5.2%
Behavioral Support Service	3.4	3.2
Competency Restoration	1.9	4.3
Delinquency Prevention	9.6	7.1
Evaluation and Diagnosis	4.9	6.1
Foster Home	0.3	0.6
Functional Family Therapy	0.9	0.4
Out-of-Home	49.3	35.9
Outpatient	11.4	9.1
R.A.F.T.	3.0	1.6
Sex Offender	0.1	19.8
Substance Abuse	11.4	6.6
Violence Intervention	0.0	0.1
TOTAL	100.0%	100.0%
TOTAL EXPENDITURE	\$4,216,554.93	\$10,984,419.63

**Referrals by Gender
FY2001 to FY2005**

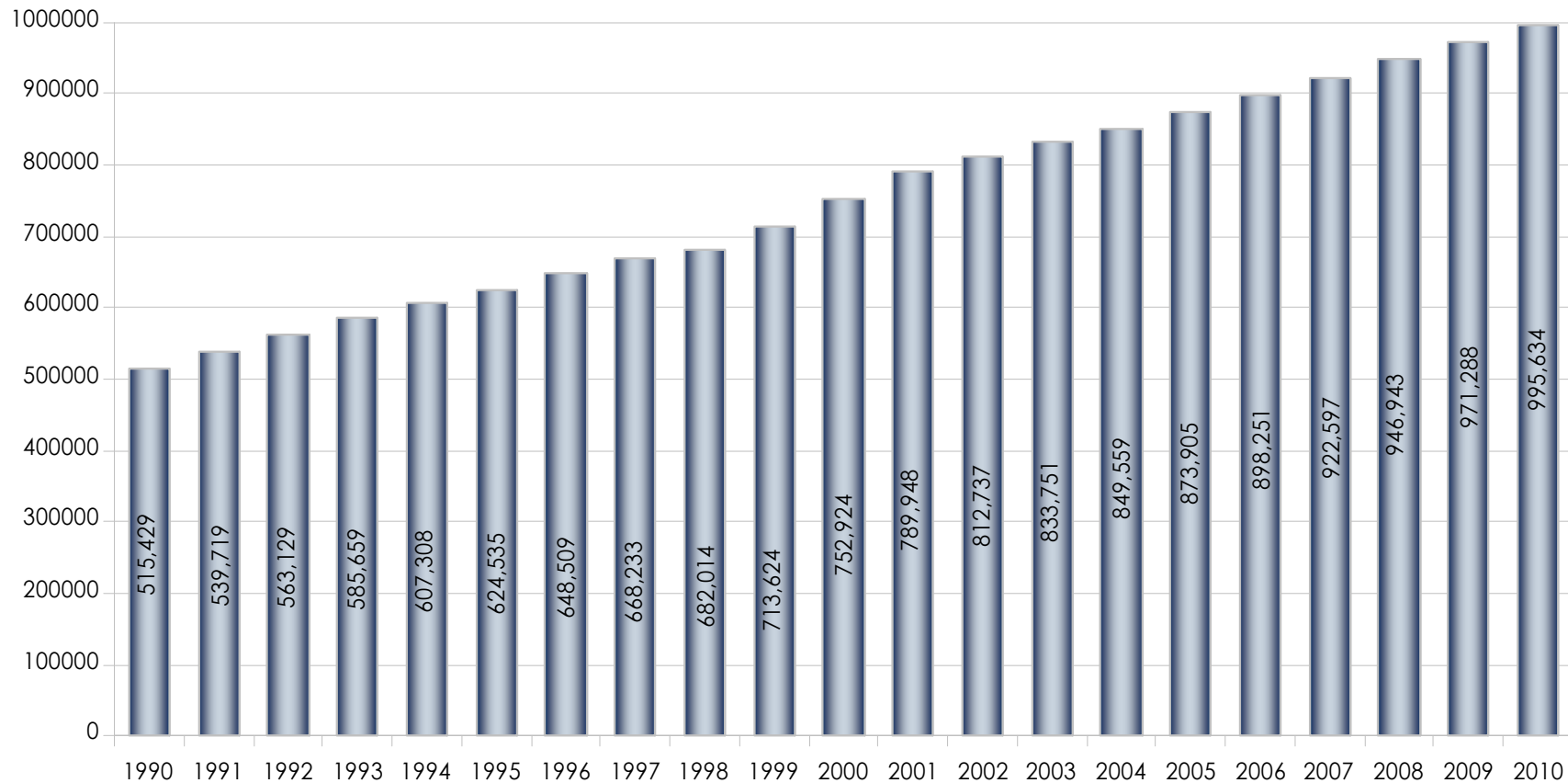


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FY 2005

Arizona Juvenile Population Estimates & Projections

Arizona Juvenile Population Estimates and Projections: Ages 8-17 1990-2010



1995 - 1999 Population Estimates: Arizona Department of Economic Security, Research Administration, Population Statistics Unit.

2000 Population Estimate: US Census Bureau, Single Age Estimates

2001 - 2010 Population Projections: Constructed using Linear Regression Model by AOC/JJSD.

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FY 2005

Notes

NOTES

JUVENILES PROCESSED FY05

1. Categories of Top Ten Offenses:
 - a. **Alcohol** offenses may include consumption or possession; use of a false identification; introduction of alcohol into secure care; providing alcohol to a minor; possession or consumption in a vehicle.
 - b. **Assault-Domestic Violence** offenses involve assaults (i.e., intimidation, attempted injury, child abuse, endangerment, custodial interference) which are linked to domestic violence.
 - c. **Assault-Simple** offenses are typically misdemeanor assault offenses which may include simple assault, facilitation and solicitation of assault.
 - d. **Curfew** offenses involve municipality-determined times when juveniles are not supposed to be out on the streets. Curfew laws are based on the assumption that they lessen the circumstances in which crime can occur.
 - e. **Disorderly Conduct** offenses are felony and misdemeanors which may involve disturbing the peace, unlawful assembly, and disorderly conduct with a weapon.
 - f. **Marijuana Possession** offenses involve felony and misdemeanor possession and attempted possession of marijuana.
 - g. **Probation Violations** refer to acts by a probationer (i.e., curfew violations, failure to attend school) contrary to his or her conditions or terms of probation. A petition to revoke or modify probation may be filed as a result. In some cases, a petition to revoke or modify probation is filed in conjunction with a new offense. The probation violation becomes the most serious offense when the new offense is dismissed by the county attorney or judicial officer.
 - h. **Runaway** offenses involve juveniles who have either runaway from home or attempted to runaway.
 - i. **Shoplift-Misdemeanor** offenses involve attempted, facilitated, and solicited shoplifting of any amount and shoplifting of less than \$250.
 - j. **Truancy** offenses occur when a school files a referral based on unexcused absences.
2. The number of juveniles in each stage is an unduplicated count. Juveniles at each stage are counted once. A juvenile could be counted more than once if assigned more than one disposition during the fiscal year. For example, if a juvenile was diverted and later placed on probation for a new offense in the same year, the juvenile would be counted twice, once for diversion and once for probation. Additionally, because the unique identifiers for juveniles are county specific a juvenile could be reflected in more than one county.

The only exceptions to the unduplicated count of juveniles at each stage are the tables "Pathways for Juveniles Filed in Adult Court FY05" and "County: Direct Filed and Transferred to Adult Court FY05". In these tables, if a juvenile is direct filed and transferred, the juvenile would be counted twice, once for any transfer and once for any direct file.

Percentages in tables may not equal 100% due to rounding.

Historical data presented are as previously reported in Juveniles Processed with the exception of adult court data. Adult Court data are dynamic and therefore, are rerun for the current Juveniles Processed. Although we endeavor to capture all Direct Filed juveniles, some Direct Filed juveniles may not be reflected in Juveniles Processed data.

3. Specific definitions of each severity category include, but are not limited to:

Felonies against person - Aggravated assault, arson of occupied structure, child molestation, child prostitution, child abuse, criminal syndicate, custodial interference, drive-by shooting, intimidating by gang, kidnapping, endangerment, incest, leaving accident, manslaughter, murder, negligent homicide, robbery, sexual abuse, sexual assault, sexual conduct with minor.

Felonies against property - Aggravated criminal damage, criminal damage, shoplifting, arson of unoccupied structure, armed burglary, burglary, computer fraud, fraud, embezzlement, extortion, forgery, unauthorized use of vehicle, organized crime, failure to return rental property, trafficking, possession of stolen property, stolen vehicle, theft.

Obstruction of justice (felonies and misdemeanors) - Contempt of court, escape, unlawful or felony flight, failure to appear, hindering prosecution, influence witness, obstruction, perjury, parole or probation violation, resisting arrest.

Misdemeanor against person - Assault, simple assault, domestic violence, endangerment, threatening intimidation, lewd and lascivious acts, unlawful imprisonment.

Drugs (Felonies and Misdemeanors) - Possession, sale, use, transportation, or manufacture of any illegal drug (dangerous, narcotic, toxic substance, inhalant, hallucinogen, or prescription) or drug paraphernalia, involving a minor in a drug offense.

Public Peace (Felonies and Misdemeanors) - Aggravated DUI, alcohol under age consumption, carry concealed weapon, child neglect, commercial sex, contributing delinquency of minor, crime against nature, cruelty to animals, disorderly conduct, disturbing the peace, DUI, eavesdropping, false reporting, failure to stop, firework violation, gambling/gaming, harassment, indecent exposure, obscenity, prostitution, reckless burning, reckless driving, riot, public sexual indecency, speeding, traffic offenses, trespassing, criminal trespassing, unlawful assembly, weapons offenses, discharge firearm.

Misdemeanors against property - Criminal damage, issue bad check, shoplifting, and theft.

Status Offenses - Curfew, incorrigible, liquor possession, runaway, tobacco possession, truancy.

Citations/Administrative - Court hold, courtesy hold, immigration, sovereignty, traffic, warrant.

4. Population data have been provided by the Department of Economic Security, Research Administration, and Population Statistics Unit and the U.S. Census Bureau. The "Blue Wave" population graph has been updated reflecting census data through 2000 and population estimates through 2010.
5. For further information, see:

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Snyder, Howard N. *Juvenile Arrests 2000*. Office of Juvenile Justice and Delinquency Prevention, November 2002.

Vicki Romero & Associates, Inc. *Survey of Arizona Juvenile Justice Service Providers: Final Report*. A report prepared for the Administrative Office of the Courts, Juvenile Justice Services Division, August, 1995.

6. Statutory requirements for diversion based on A.R.S. §8-321:
 1. The county attorney decides which juveniles accused of committing an incorrigible or delinquent act to divert to a community based alternative program operated by the county attorney or to a diversion program administered by the Juvenile Court. A juvenile identified as a chronic or violent offender, or who is alleged to have violated A.R.S. §28-692 (DUI) is not eligible for diversion.
 2. The juvenile probation officer is required to submit a referral to the county attorney for alleged offenses that have been identified as not eligible for diversion. The county attorney is able to return a case to the juvenile probation officer for further action if prosecution is declined.
 3. The juvenile probation officer is mandated to conduct an interview with a juvenile diverted to the Juvenile Court and the juvenile's parent(s) or guardian. If, during the interview, the juvenile acknowledges responsibility for the offense (based on the referral), the probation/intake officer **may** choose to begin the process of adjusting the referral. Adjustment of the referral can occur only after the juvenile completes one or more conditions (consequences), as assigned by the probation/intake officer. The consequences could be one or more of the following:
 - a. Participation in unpaid community service work.
 - b. Participation in a counseling program, which is designed to strengthen family relationships and to prevent repetitive juvenile delinquency.
 - c. Participation in an education program, approved by the court, which has as its goal the prevention of further delinquent behavior.
 - d. Participation in an education program, approved by the court, which is designed to deal with ancillary problems experienced by the juvenile, such as alcohol or drug abuse.
 - e. Participation in a non-residential program of rehabilitation or supervision offered by the court or offered by the community youth serving agency and approved by the court.
 - f. Payment of restitution to the victim of the delinquent act.
 - g. Payment of a monetary assessment.
 4. The county attorney or the Juvenile Court, in cooperation with the county attorney, can establish community based alternative programs. Community based alternative programs and diversion programs must ensure that the participation of both the juvenile and victim are voluntary, and that the juvenile accepts responsibility for the delinquent or incorrigible act.
 5. The participants in a community based alternative program agree on any legally reasonable consequence for the juvenile offender, with the exception of confinement. The program participants, juvenile and juvenile's parents(s) or guardian and victim may sign a written contract agreeing on resolution of the matter in which the parent(s) or guardian agree to ensure that the juvenile complies with the contract.
 6. If a juvenile complies with the consequences set forth by the probation officer or community based alternative program, the county attorney will not file a petition in Juvenile Court.
7. Data on dispositions to Standard Probation and JIPS include juveniles who are continued on Standard Probation and JIPS.

8. Commitment Guidelines:

1. When considering the commitment of a juvenile to the care and custody of ADJC, the juvenile court shall:
 - a. Only commit those juveniles who are adjudicated for a delinquent act and whom the court believes require placement in a secure care facility for the protection of the community;
 - b. Consider commitment to ADJC as a final opportunity for rehabilitation of the juvenile, as well as a way of holding the juvenile accountable for a serious delinquent act or acts;
 - c. Give special consideration to the nature of the offense, the level of risk the juvenile poses to the community, and whether appropriate less restrictive alternatives to commitment exist within the community; and
 - d. Clearly identify, in the commitment order, the offense or offenses for which the juvenile is being committed and any other relevant factors that the court determines as reasons to consider the juvenile a risk to the community.
2. The juvenile court shall not consider juveniles for commitment to ADJC when charged with an incorrigible offense(s) or a violation of a court order while under protective supervision for an incorrigible offense.

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FY 2005

Glossary

GLOSSARY

JUVENILE JUSTICE TERMS

Adjudication Hearing. In the juvenile court, the adjudication hearing is the proceeding in which a juvenile is found to be a delinquent, incorrigible or dependent youth. The hearing is relatively formal and is attended by the judicial officer, county attorney, defense attorney and the juvenile. The parents/guardians and a juvenile probation officer may 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, 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.

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.

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.

Chronic Felony Offender. A chronic felony offender is statutorily defined as a juvenile who on two prior separate occasions was adjudicated delinquent for an offense that would have been comparable to a felony offense had the juvenile been prosecuted as an adult, and who commits 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.

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.

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 cleanup or any other public or private community assistance project under the supervision of the county attorney or juvenile court.

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).

Delinquent Juvenile. A delinquent juvenile is simply 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 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. In addition, criminal prosecution may be brought against any juvenile with a prior conviction in adult court. 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 punishment or intervention 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.

Incorrigible Youth. Juveniles who commit offenses which would not be considered crimes if they were 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 determine 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.

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, 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.

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.

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.

Referrals. Referrals 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 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 A.R.S. §8-327, but must state on the official court record the reasons for the decision.

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