

Arizona Supreme Court
Administrative Office of the Courts
Juvenile Justice Services Division
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JUVENILES PROCESSED

In the Arizona Court System FY04



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to

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Juvenile Justice Services Division

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Introduction

JUVENILES PROCESSED IN THE ARIZONA COURT SYSTEM IN FY04

This is the eleventh 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 20 years, and statewide for more than ten 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 include the addition of the top ten referral offenses and a special topics section. This year, as part of a increased state focus on gender issues, the special topic is gender.

This report provides an overview of the juveniles processed at various stages of the juvenile justice system statewide during fiscal year 2004. Selected breakdowns of unduplicated juvenile counts¹ 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

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.²

Not all of 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 FY04.

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 2004, the number of juveniles in the population has continued to increase steadily, as evidenced in the Arizona Juvenile Population Estimates and Projections chart in the Population section.³

The flow chart of the juvenile justice system in this section of the report is followed by a chart entitled *Arizona Juvenile Court Activity* 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* 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 six 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 six 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:

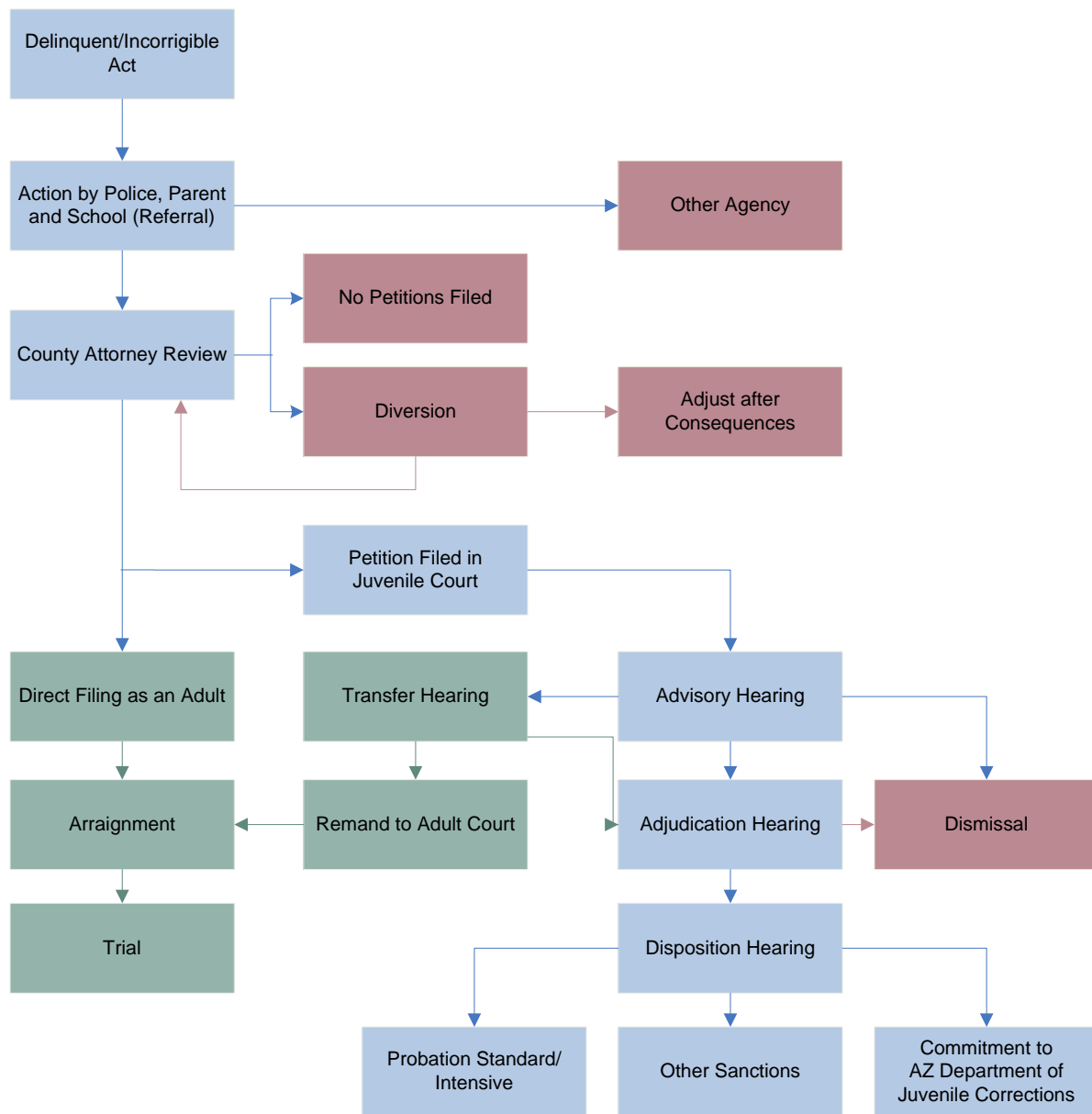
- *Commission on Minorities Equitable Treatment of Minority Youth: First Annual Report Card, 2004*
- *Choices on the Edge: Maryvale Community Assessment*
- *Arizona Juvenile Justice Evaluation, the PIC-ACT Study*
- *Juvenile Commitment Guidelines Departure Research Project*
- *Juvenile Justice Treatment 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.*⁶

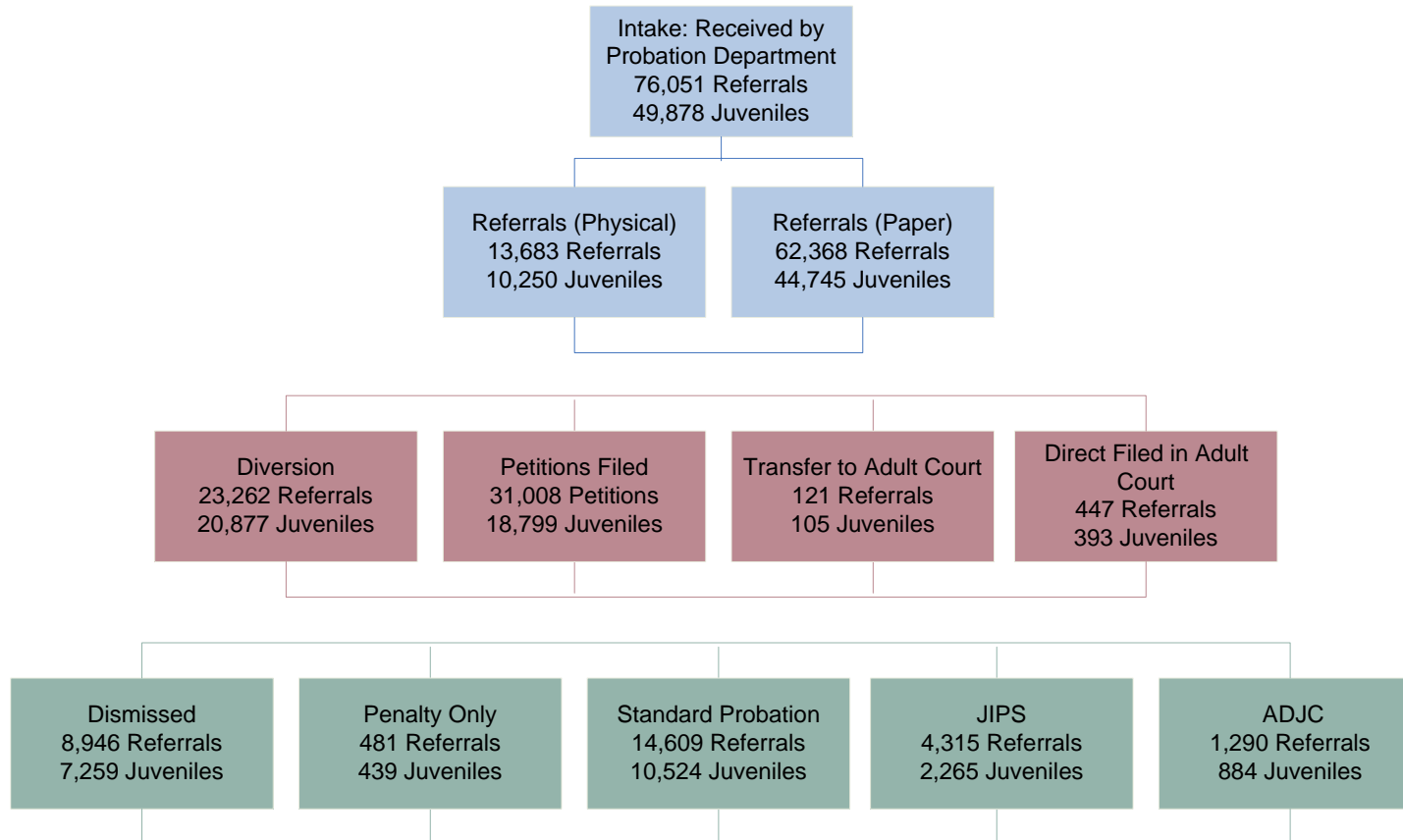
Analysis of data on juveniles processed in the Arizona court system is ongoing. Data is analyzed in order to identify the treatment needs of juveniles, to determine what works in meeting those needs and obtaining the best outcomes, to identify the most cost effective allocation of resources and to develop 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, FY99, FY00, FY01, FY02, FY03 and FY04 are available on the Internet at <http://www.supreme.state.az.us/jisd>.

Juvenile Justice Flowchart



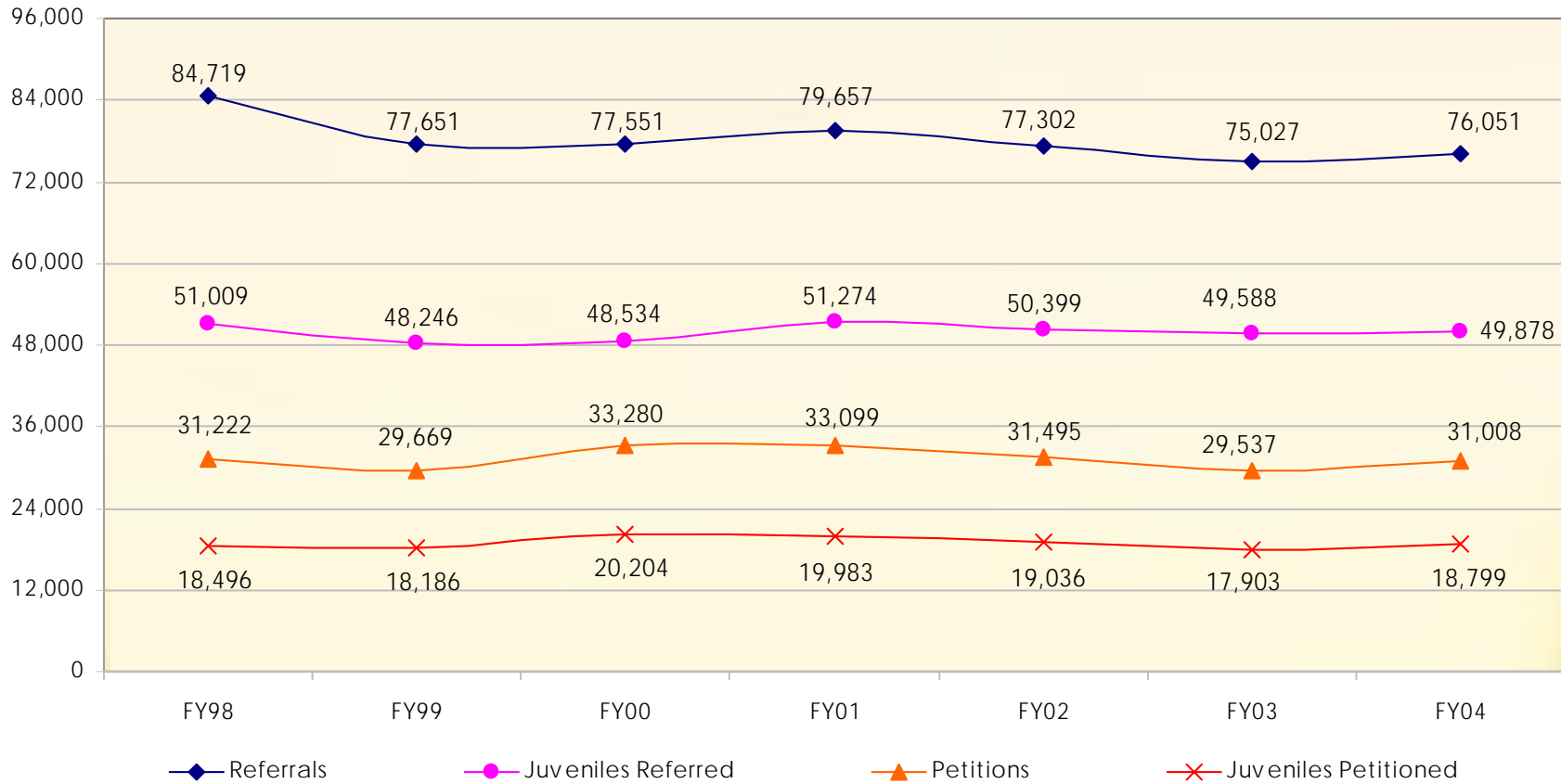
Arizona Juvenile Court Activity FY04



Data Source: Arizona Supreme Court, Administrative Office of the Courts, Juvenile Justice Services Division; Fifteen Juvenile Courts' Juvenile On-Line Tracking System (JOLTS), July 1, 2003 to June 30, 2004

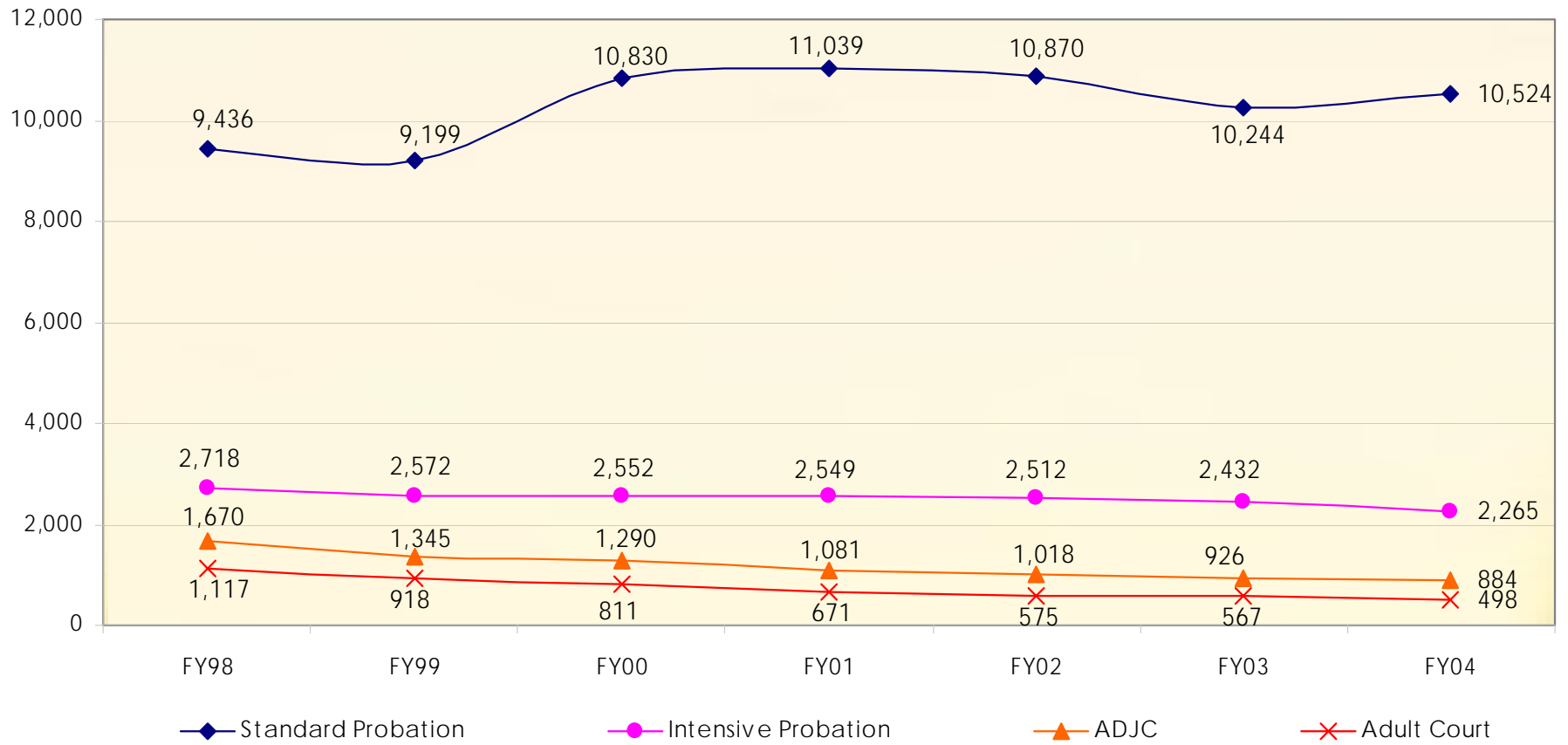
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Referrals, Petitions Filed and Juveniles Referred and Petitioned Fiscal Years 1998 - 2004

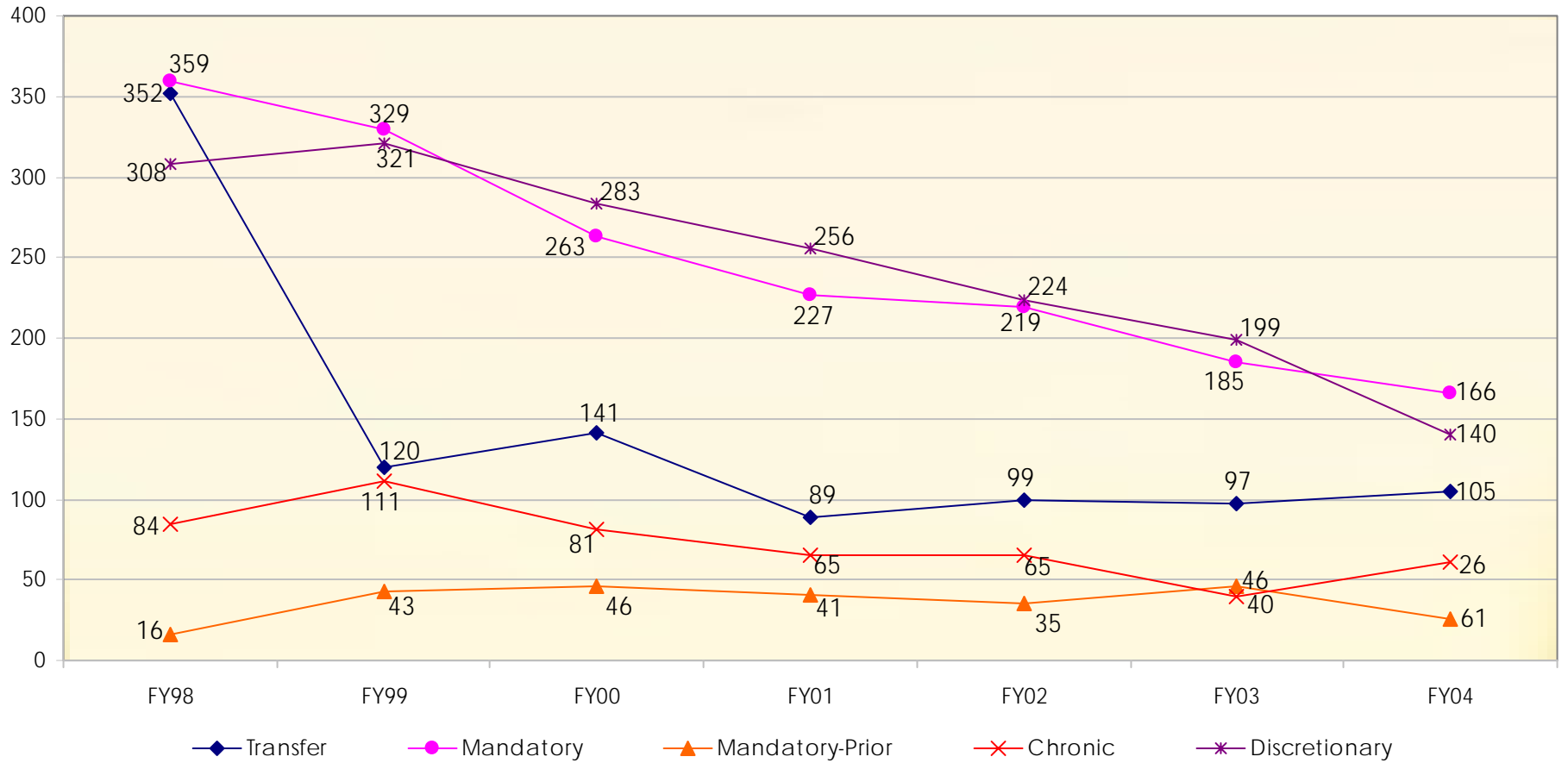


Data through FY03 obtained from *Juveniles Processed in the Arizona Court System*.

The Number of Juveniles Dispositioned to Probation, Intensive Probation, ADJC and Adult Court - Fiscal Years 1998 - 2004



Pathways for Juveniles Transferred and/or Direct Filed in Adult Court Fiscal Years 1998 - 2004⁵



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Juveniles Referred

ARIZONA SUPERIOR COURT SYSTEM, FY04

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 most recent referral 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 FY04. 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 FY04		
Apache	272	0.6%
Cochise	1,510	3.0
Coconino	1,633	3.4
Gila	1,027	2.1
Graham	392	0.8
Greenlee	82	0.2
La Paz	193	0.4
Maricopa	24,743	49.6
Mohave	2,161	4.3
Navajo	1,137	2.3
Pima	9,461	19.0
Pinal	2,265	4.5
Santa Cruz	741	1.5
Yavapai	1,645	3.3
Yuma	2,616	5.2
TOTAL	49,878	100.0

JUVENILES REFERRED IN THE ARIZONA SUPERIOR COURT SYSTEM IN FY04

In 2004, there were an estimated 784,754 juveniles age 8 to 18 in Arizona. From July 1, 2003 to June 30, 2004, 6.4% of these juveniles (49,878) were referred at least once to Arizona's juvenile courts. This represents about 1 in every 16 juveniles. These 49,878 juveniles generated 76,051 referrals at an average of 1.5 referrals per juvenile.

Gender: Juveniles Referred FY04		
Male	33,136	66.4%
Female	16,742	33.6
Unknown	0	0.0
TOTAL	49,878	100.0

Age: Juveniles Referred FY04		
8	197	0.4%
9	385	0.8
10	578	1.2
11	1,175	2.4
12	2,603	5.2
13	4,709	9.4
14	7,313	14.7
15	9,301	18.7
16	10,382	20.8
17	12,596	25.3
Unknown	639	1.3
TOTAL	49,878	100.0

Ethnicity: Juveniles Referred FY04		
Hispanic	18,979	38.1%
African American	3,502	7.0
Anglo	23,925	48.0
Native American	2,727	5.5
Asian/Pacific Islander	247	0.5
Other	136	0.3
Unknown	362	0.7
TOTAL	49,878	100.0

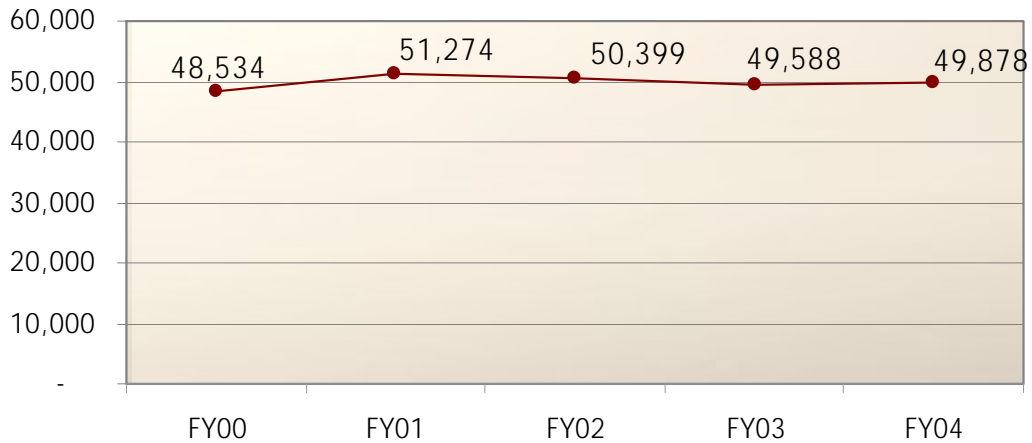
Education Status: Juveniles Referred FY04		
Enrolled	33,990	68.2%
Not Enrolled	3,528	7.1
Expelled	96	0.2
Suspended	119	0.2
Withdrawn	177	0.4
Graduated	70	0.1
GED Program	44	0.1
Unknown	11,854	23.8
TOTAL	49,878	100.0

Severity of Most Serious Offense: Juveniles Referred FY04		
Felonies Against Person	2,464	4.9%
Felonies Against Property	5,254	10.5
Obstruction of Justice: Fel. & Misd.	4,473	9.0
Misdemeanors Against Person	4,332	8.7
Drugs: Fel. & Misd.	4,973	10.0
Public Peace: Fel. & Misd.	13,257	26.6
Misdemeanors Against Property	6,759	13.6
Status Offenses	8,049	16.1
Citations/Administrative	317	0.7
TOTAL	49,878	100.0

Offense Class of Most Serious Offense: Juveniles Referred FY04		
Felony	14,601	29.3%
Misdemeanor	24,071	48.3
Administrative	2,453	4.9
Status	8,089	16.2
Other	664	1.3
TOTAL	49,878	100.0

Number of Prior Referrals: Juveniles Referred FY04		
0	24,432	49.0%
1	9,274	18.6
2	4,735	9.5
3	2,827	5.7
4	1,976	4.0
5	1,432	2.9
6	1,105	2.2
7	809	1.6
8 or more	3,288	6.6
TOTAL	49,878	100.0

Juveniles Referred



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

In FY04, 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.³

Top Ten Referral Categories FY04		
Probation Violation	7,540	9.9%
Shoplifting-Misd	6,508	8.6
Truancy	6,300	8.6
Alcohol	5,976	7.6
Runaway	4,013	5.3
Curfew	3,752	4.9
Marijuana Possession	3,743	4.9
Assault – DV	2,255	3.0
Assault – Simple	2,967	3.9
Disorderly Conduct	2,597	3.4
TOTAL REFERRALS	76,051	

Note: Percentages are of the total referrals and make up 60.1% of the total.

Top Ten Referral Categories for Previous Fiscal Years			
FY2000	FY2001	FY2002	FY2003
Probation Violation 7,745	Probation Violation 8,408	Probation Violation 8,407	Probation Violation 7,938
Shoplifting – Misd 7,177	Truancy 6,844	Truancy 6,722	Shoplifting – Misd 6,587
Truancy 5,458	Shoplifting – Misd 6,284	Shoplifting – Misd 6,689	Truancy 5,958
Curfew 5,229	Alcohol 5,842	Alcohol 5,735	Alcohol 5,881
Alcohol 5,202	Runaway 4,487	Runaway 4,087	Runaway 4,009
Runaway 4,919	Curfew 4,396	Curfew 3,959	Curfew 3,738
Marijuana Possession 3,313	Assault – DV 2,235	Assault – DV 2,155	Assault – DV 2,201
Assault – Simple 3,059	Marijuana Possession 3,696	Marijuana Possession 3,639	Marijuana Possession 3,446
Disorderly Conduct 2,599	Assault – Simple 3,021	Assault – Simple 3,008	Assault – Simple 3,119
Assault – DV 2,126	Disorderly Conduct 2,308	Disorderly Conduct 2,366	Disorderly Conduct 2,523

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

Juveniles Detained

ARIZONA SUPERIOR COURT SYSTEM, FY04

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 most recent referral 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 supports 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; or
 - 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 FY04		
Apache	157	1.2%
Cochise	379	3.0
Coconino	304	2.4
Gila	444	3.5
Graham	148	1.2
Greenlee	29	0.2
La Paz	51	0.4
Maricopa	5,973	47.1
Mohave	345	2.7
Navajo	199	1.6
Pima	2,303	18.2
Pinal	756	6.0
Santa Cruz	296	2.3
Yavapai	492	3.9
Yuma	812	6.4
TOTAL	12,688	100.0

In FY04, 12,688 juveniles were detained at least once. Only 8,641 (68%) 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 8,641 juveniles that were detained on a referral (physical referral) represent 17.3% of the juveniles referred to the juvenile court in FY04.
- There was a 7.1% decline in juveniles detained from FY02 to FY04. Physical referrals declined 5% during that same time period.

Gender: Juveniles Detained FY04		
Male	9,450	74.6%
Female	3,238	25.5
Unknown	0	0.0
TOTAL	12,688	100.0

Age: Juveniles Detained FY04		
8	7	0.06%
9	21	0.2
10	40	0.3
11	113	0.9
12	356	2.8
13	835	6.6
14	1,548	12.2
15	2,448	19.3
16	3,158	24.9
17	4,100	32.3
Unknown	62	0.5
TOTAL	12,688	100.0

Ethnicity: Juveniles Detained FY04		
Hispanic	5,381	42.4%
African American	1,106	8.7
Anglo	5,172	40.8
Native American	810	6.4
Asian/Pacific Islander	52	0.4
Other	132	1.0
Unknown	35	0.3
TOTAL	12,688	100.0

Education Status: Juveniles Detained FY04		
Enrolled	5,830	46.0%
Not Enrolled	1,308	10.3
Expelled	49	0.4
Suspended	46	0.4
Withdrawn	51	0.4
Graduated	21	0.2
GED Program	12	0.1
Unknown	5,371	42.3
TOTAL	12,688	100.0

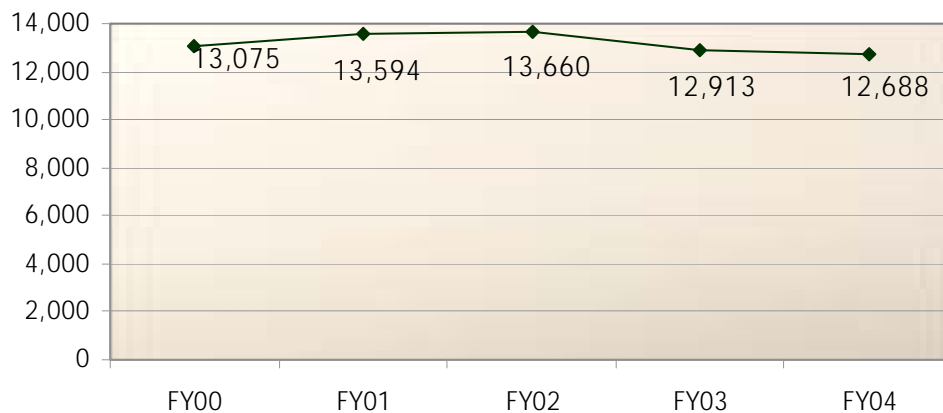
JUVENILES DETAINED IN THE ARIZONA SUPERIOR COURT SYSTEM IN FY04

Severity of Most Serious Offense: Juveniles Detained FY04		
Felonies Against Person	1,144	13.2%
Felonies Against Property	1,755	20.3
Obstruction of Justice: Fel. & Misd.	1,611	18.6
Misdemeanors Against Person	1,248	14.4
Drugs: Fel. & Misd.	989	11.5
Public Peace: Fel. & Misd.	1,110	12.9
Misdemeanors Against Property	415	4.8
Status Offenses	214	2.5
Citations/Administrative	155	1.8
TOTAL	8,641	100.0

Offense Class of Most Serious Offense: Juveniles Detained FY04		
Felony	4,436	51.3%
Misdemeanor	2,821	32.7
Administrative	1,116	12.9
Status	213	2.5
Other	55	0.6
TOTAL	8,641	100.0

Number of Prior Referrals: Juveniles Detained FY04		
0	2,050	23.7%
1	1,209	14.0
2	952	11.0
3	726	8.4
4	658	7.6
5	525	6.1
6	462	5.4
7	354	4.1
8 or more	1,705	19.7
TOTAL	8,641	100.0

Juveniles Detained



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Juveniles Diverted

ARIZONA SUPERIOR COURT SYSTEM, FY04

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 most recent referral 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.⁴

County: Juveniles Diverted FY04		
Apache	78	0.4%
Cochise	908	4.4
Coconino	828	4.0
Gila	353	1.7
Graham	126	0.6
Greenlee	28	0.1
La Paz	95	0.5
Maricopa	10,114	48.4
Mohave	653	3.1
Navajo	272	1.3
Pima	4,765	22.7
Pinal	657	3.2
Santa Cruz	157	0.8
Yavapai	832	4.1
Yuma	1,011	4.8
TOTAL	20,877	100.0

In FY04, there were 20,877 juveniles diverted in Arizona’s juvenile justice system, a decrease of 4.8% from FY03.

Over the last five years, diversions have declined by 4.1% overall.

We would expect diverted juveniles to have less serious offenses and little or no prior referrals. Of the juveniles diverted in FY04:

- 68.7% had no prior referrals.
- 61% had a misdemeanor as the most serious offense.

Gender: Juveniles Diverted FY04		
Male	12,601	60.4%
Female	8,276	39.6
Unknown	0	0.0
TOTAL	20,877	100.0

Age: Juveniles Diverted FY04		
8	88	0.4%
9	227	1.1
10	329	1.6
11	670	3.2
12	1,513	7.3
13	2,616	12.5
14	3,760	18.0
15	4,301	20.6
16	3,852	18.5
17	3,396	16.3
Unknown	125	0.6
TOTAL	20,877	100.0

Ethnicity: Juveniles Diverted FY04		
Hispanic	7,761	37.2%
African American	1,363	6.5
Anglo	10,329	49.5
Native American	1,044	5.0
Asian/Pacific Islander	115	0.6
Other	67	0.3
Unknown	198	1.0
TOTAL	20,877	100.0

Education Status: Juveniles Diverted FY04		
Enrolled	15,478	74.1%
Not Enrolled	414	2.0
Expelled	21	0.1
Suspended	22	0.1
Withdrawn	19	0.1
Graduated	9	0.0
GED Program	5	0.0
Unknown	4,909	23.5
TOTAL	20,877	100.0

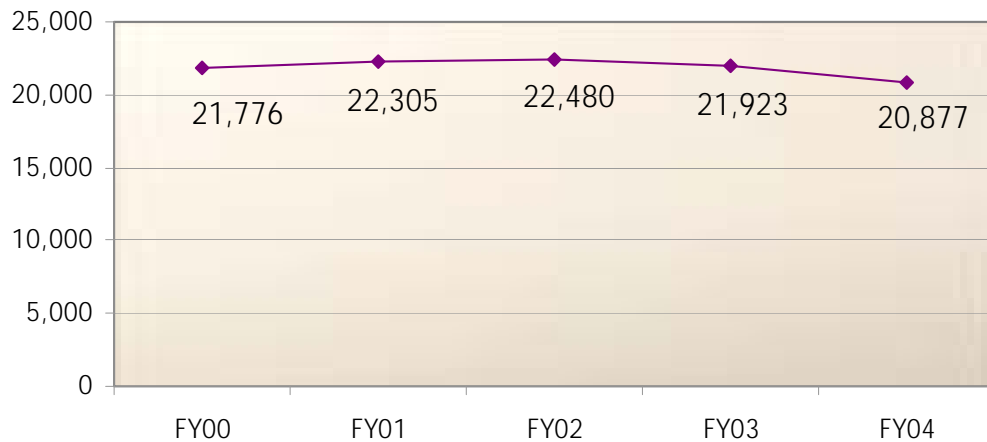
JUVENILES DIVERTED IN THE ARIZONA SUPERIOR COURT SYSTEM IN FY04

Severity of Most Serious Offense: Juveniles Diverted FY04		
Felonies Against Person	180	0.9%
Felonies Against Property	634	3.0
Obstruction of Justice: Fel. & Misd.	164	0.8
Misdemeanors Against Person	1,954	9.4
Drugs: Fel. & Misd.	1,761	8.4
Public Peace: Fel. & Misd.	6,051	29.0
Misdemeanors Against Property	5,126	24.5
Status Offenses	4,996	23.9
Citations/Administrative	11	0.1
TOTAL	20,877	100.0

Offense Class of Most Serious Offense: Juveniles Diverted FY04		
Felony	2,777	13.3%
Misdemeanor	12,738	61.0
Administrative	244	1.2
Status	5,009	24.0
Other	109	0.5
TOTAL	20,877	100.0

Number of Prior Referrals: Juveniles Diverted FY04		
0	14,344	68.7%
1	4,285	20.5
2	1,291	6.2
3	414	2.0
4	180	0.9
5	94	0.5
6	45	0.2
7	51	0.2
8 or more	173	0.8
TOTAL	20,877	100.0

Juveniles Diverted



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PETITIONS FILED

ARIZONA SUPERIOR COURT SYSTEM, FY04

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 most recent referral 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.

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.

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

County: Petitions Filed FY04		
Apache	154	0.9%
Cochise	511	2.7
Coconino	597	3.2
Gila	354	1.9
Graham	233	1.2
Greenlee	45	0.2
La Paz	71	0.4
Maricopa	9,223	49.0
Mohave	662	3.5
Navajo	405	2.2
Pima	3,285	17.5
Pinal	1,004	5.3
Santa Cruz	474	2.5
Yavapai	616	3.3
Yuma	1,165	6.2
TOTAL	18,799	100.0

Juveniles with petitions filed increased 5% from 17,903 in FY03 to 18,799 in FY04. This is the first increase since the decline began in FY00. This is in contrast to the 2.7% decrease in juveniles referred from FY01 to FY04.

- Anglo and Hispanic youth are nearly equally represented in petitions filed.
- The average age of juveniles petitioned in FY04 was 15.
- More than half of the juveniles had 3 or fewer prior referrals.

Gender: Petitions Filed FY04		
Male	13,939	74.2%
Female	4,860	25.9
Unknown	0	0.0
TOTAL	18,799	100.0

Age: Petitions Filed FY04		
8	26	0.1%
9	77	0.4
10	146	0.8
11	296	1.6
12	767	4.1
13	1,472	7.8
14	2,632	14.0
15	3,726	19.8
16	4,468	23.8
17	5,156	27.4
Unknown	33	0.2
TOTAL	18,799	100.0

Ethnicity: Petitions Filed FY04		
Hispanic	7,778	41.4%
African American	1,555	8.3
Anglo	8,168	43.5
Native American	1,112	6.0
Asian/Pacific Islander	82	0.4
Other	42	0.2
Unknown	62	0.3
TOTAL	18,799	100.0

Education Status: Petitions Filed FY04		
Enrolled	13,776	73.3%
Not Enrolled	2,006	10.7
Expelled	61	0.3
Suspended	69	0.4
Withdrawn	79	0.4
Graduated	24	0.1
GED Program	16	0.1
Unknown	2,768	14.7
TOTAL	18,799	100.0

JUVENILES WITH PETITIONS FILED IN THE ARIZONA SUPERIOR COURT SYSTEM IN FY04

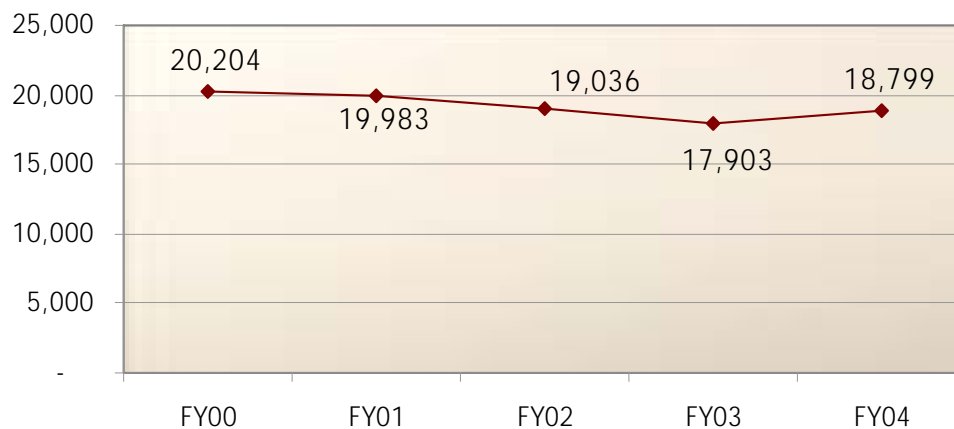
Severity of Most Serious Offense: Petitions Filed FY04		
Felonies Against Person	1,437	7.6%
Felonies Against Property	3,705	19.7
Obstruction of Justice: Fel. & Misd.	4,174	22.2
Misdemeanors Against Person	1,710	9.1
Drugs: Fel. & Misd.	2,267	12.1
Public Peace: Fel. & Misd.	3,250	17.3
Misdemeanors Against Property	1,507	8.0
Status Offenses	727	3.9
Citations/Administrative	22	0.1
TOTAL	18,799	100.0

Offense Class of Most Serious Offense: Petitions Filed FY04		
Felony	8,278	44.0%
Misdemeanor	7,543	40.1
Administrative	2,173	11.6
Status	755	4.0
Other	50	0.3
TOTAL	18,799	100.0

Number of Prior Referrals: Petitions Filed FY04		
0	2,517	15.0%
1	3,180	18.9
2	2,573	15.3
3	1,908	11.3
4	1,460	8.7
5	1,136	6.8
6	895	5.3
7	643	3.8
8 or more	2,517	15.0
TOTAL	16,829*	100.0

*Some of the petitions do not have offense or referral numbers entered on them due to data entry error. They are not reflected in this report.

Juveniles Petitioned



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JUVENILES DISMISSED

ARIZONA SUPERIOR COURT SYSTEM, FY04

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 most recent referral 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.

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 FY04		
Apache	66	0.9%
Cochise	182	2.5
Coconino	122	1.7
Gila	117	1.6
Graham	49	0.7
Greenlee	6	0.1
La Paz	50	0.7
Maricopa	3,967	54.7
Mohave	272	3.8
Navajo	159	2.2
Pima	1,179	16.2
Pinal	422	5.8
Santa Cruz	178	2.5
Yavapai	216	3.0
Yuma	274	3.8
TOTAL	7,259	100.0

While court dismissals increased slightly from FY03 to FY04 (<1.0%), they decreased by 30% over the last 5 years.

Gender: Disposition of Dismissed FY04		
Male	5,171	71.2%
Female	2,088	28.8
Unknown	0	0.0
TOTAL	7,259	100.0
Age: Disposition of Dismissed FY04		
8	9	0.1%
9	20	0.3
10	64	0.9
11	110	1.5
12	255	3.5
13	514	7.1
14	972	13.4
15	1,351	18.6
16	1,604	22.1
17	1,950	26.9
Unknown	410	5.7
TOTAL	7,259	100.0
Ethnicity: Disposition of Dismissed FY04		
Hispanic	2,769	38.2%
African American	640	8.8
Anglo	3,402	46.9
Native American	355	4.9
Asian/Pacific Islander	28	0.4
Other	22	0.3
Unknown	43	0.6
TOTAL	7,259	100.0
Education Status: Disposition of Dismissed FY04		
Enrolled	5,030	69.3%
Not Enrolled	666	9.2
Expelled	19	0.3
Suspended	21	0.3
Withdrawn	30	0.4
Graduated	9	0.1
GED Program	9	0.1
Unknown	1,475	20.3
TOTAL	7,259	100.0

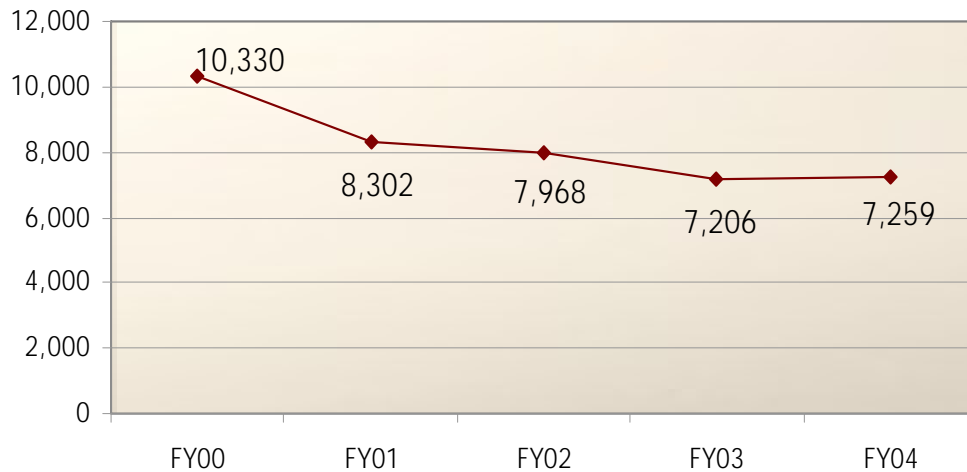
JUVENILES DISMISSED IN THE ARIZONA SUPERIOR COURT SYSTEM IN FY04

Severity of Most Serious Offense: Disposition of Dismissed FY04		
Felonies Against Person	340	4.7%
Felonies Against Property	717	9.9
Obstruction of Justice: Fel. & Misd.	1,163	16.0
Misdemeanors Against Person	716	9.9
Drugs: Fel. & Misd.	703	9.7
Public Peace: Fel. & Misd.	1901	26.2
Misdemeanors Against Property	788	10.9
Status Offenses	927	12.8
Citations/Administrative	4	0.1
TOTAL	7,259	100.0

Offense Class of Most Serious Offense: Disposition of Dismissed FY04		
Felony	1,943	26.8%
Misdemeanor	3,404	46.9
Administrative	873	12.0
Status	928	12.8
Other	111	1.5
TOTAL	7,259	100.0

Number of Prior Referrals: Disposition of Dismissed FY04		
0	2,162	29.8%
1	1,321	18.2
2	903	12.4
3	675	9.3
4	518	7.1
5	391	5.4
6	265	3.7
7	227	3.1
8 or more	797	11.0
TOTAL	7,259	100.0

Dismissed



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PENALTY ONLY

JUVENILES WITH DISPOSITIONS OF PENALTY ONLY IN FY04

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 most recent referral 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 FY04		
Apache	0	0.0%
Cochise	39	8.9
Coconino	70	16.0
Gila	7	1.6
Graham	5	1.1
Greenlee	0	0.0
La Paz	0	0.0
Maricopa	181	41.2
Mohave	0	0.0
Navajo	7	1.6
Pima	13	3.0
Pinal	58	13.2
Santa Cruz	24	5.5
Yavapai	0	0.0
Yuma	35	8.0
TOTAL	439	100.0

Dispositions of penalty only declined by 6% from FY03 to FY04. In fact, the 439 juveniles given a disposition of penalty only in FY04 represented a 42.7% decline over the last five years.

Gender: Disposition of Penalty Only FY04		
Male	320	72.9%
Female	119	27.1
Unknown	0	0.0
TOTAL	439	100.0

Age: Disposition of Penalty Only FY04		
8	0	0.0%
9	0	0.0
10	0	0.0
11	4	0.9
12	7	1.6
13	12	2.7
14	27	6.2
15	37	8.4
16	73	16.6
17	262	59.7
Unknown	17	3.9
TOTAL	439	100.0

Ethnicity: Disposition of Penalty Only FY04		
Hispanic	175	39.9%
African American	32	7.3
Anglo	186	42.4
Native American	42	9.6
Asian/Pacific Islander	2	0.5
Other	1	0.2
Unknown	1	0.2
TOTAL	439	100.0

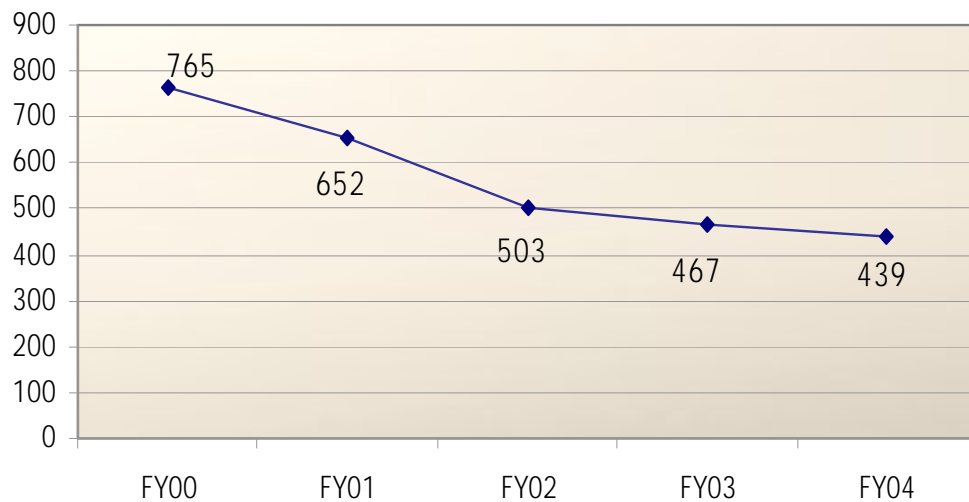
Education Status: Disposition of Penalty Only FY04		
Enrolled	280	63.8%
Not Enrolled	74	16.9
Expelled	0	0.0
Suspended	1	0.2
Withdrawn	2	0.5
Graduated	1	0.2
GED Program	1	0.2
Unknown	80	18.2
TOTAL	439	100.0

Severity of Most Serious Offense: Disposition of Penalty Only FY04		
Felonies Against Person	10	2.3%
Felonies Against Property	34	7.7
Obstruction of Justice: Fel. & Misd.	76	17.3
Misdemeanors Against Person	42	9.6
Drugs: Fel. & Misd.	50	11.4
Public Peace: Fel. & Misd.	180	41.0
Misdemeanors Against Property	32	7.3
Status Offenses	15	3.4
Citations/Administrative	0	0.0
TOTAL	439	100.0

Offense Class of Most Serious Offense: Disposition of Penalty Only FY04		
Felony	108	24.6%
Misdemeanor	247	56.3
Administrative	69	15.7
Status	15	3.4
Other	0	0.0
TOTAL	439	100.0

Number of Prior Referrals: Disposition of Penalty Only FY04		
0	114	26.0%
1	67	15.3
2	51	11.6
3	53	12.1
4	29	6.6
5	24	5.5
6	25	5.7
7	12	2.7
8 or more	64	14.6
TOTAL	439	100.0

Penalty Only



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STANDARD PROBATION

JUVENILES WITH DISPOSITIONS OF STANDARD PROBATION IN FY04

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 most recent referral 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 FY04		
Apache	76	0.7%
Cochise	205	2.0
Coconino	369	3.5
Gila	194	1.8
Graham	157	1.5
Greenlee	31	0.3
La Paz	44	0.4
Maricopa	5,690	54.0
Mohave	324	3.1
Navajo	202	1.9
Pima	1,847	17.6
Pinal	315	3.0
Santa Cruz	212	2.0
Yavapai	300	2.9
Yuma	558	5.3
TOTAL	10,524	100.0

JUVENILES WITH DISPOSITION OF STANDARD PROBATION IN FY04

In FY04, 10,524 juveniles were given a disposition of standard probation, an increase of 3% from FY03. Dispositions to standard probation have remained fairly stable over the last 5 years with a total decline of only 3% from FY00 to FY04.

Gender: Disposition of Standard Probation FY04		
Male	7,826	74.4%
Female	2,698	25.6
Unknown	0	0.0
TOTAL	10,524	100.0

Age: Disposition of Standard Probation FY04		
8	1	0.0%
9	7	0.1
10	28	0.3
11	76	0.7
12	325	3.1
13	787	7.5
14	1,464	13.9
15	2,228	21.2
16	2,520	24.0
17	3,073	29.2
Unknown	15	0.1
TOTAL	10,524	100.

Ethnicity: Disposition of Standard Probation FY04		
Hispanic	4,221	40.1%
African American	775	7.7
Anglo	4,838	46.0
Native American	595	5.7
Asian/Pacific Islander	49	0.5
Other	23	0.2
Unknown	23	0.2
TOTAL	10,524	100.0

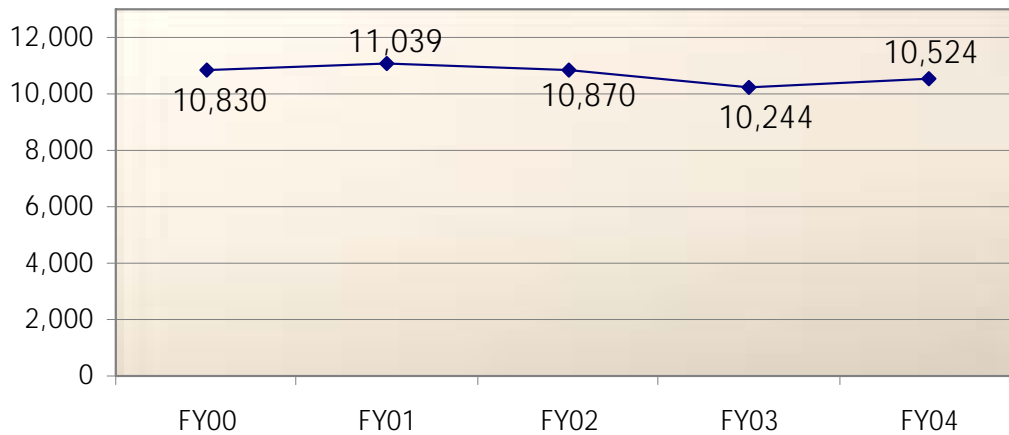
Education Status: Disposition of Standard Probation FY04		
Enrolled	8,078	76.8%
Not Enrolled	1,047	10.0
Expelled	28	0.3
Suspended	49	0.5
Withdrawn	47	0.5
Graduated	11	0.1
GED Program	11	0.1
Unknown	1,253	11.9
TOTAL	10,524	100.0

Severity of Most Serious Offense: Disposition of Standard Probation FY04		
Felonies Against Person	799	7.6%
Felonies Against Property	2,113	20.1
Obstruction of Justice: Fel. & Misd.	2,119	20.1
Misdemeanors Against Person	869	8.3
Drugs: Fel. & Misd.	1,502	14.3
Public Peace: Fel. & Misd.	1,816	17.3
Misdemeanors Against Property	762	7.2
Status Offenses	374	3.6
Citations/Administrative	170	1.6
TOTAL	10,524	100.0

Offense Class of Most Serious Offense: Disposition of Standard Probation FY04		
Felony	5,025	47.8%
Misdemeanor	3,754	35.7
Administrative	1,200	11.4
Status	373	3.5
Other	172	1.6
TOTAL	10,524	100.0

Number of Prior Referrals: Disposition of Standard Probation FY04		
0	2,338	22.2%
1	2,016	19.2
2	1,765	16.8
3	1,320	12.5
4	887	8.4
5	671	6.4
6	433	4.1
7	294	2.8
8 or more	800	7.6
TOTAL	10,524	100.0

Standard Probation



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JIPS

JUVENILES WITH DISPOSITIONS OF JIPS IN FY04

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 most recent referral 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 FY04		
Apache	27	1.2%
Cochise	103	4.6
Coconino	70	3.1
Gila	36	1.6
Graham	37	1.6
Greenlee	7	0.3
La Paz	8	0.4
Maricopa	885	39.1
Mohave	105	4.6
Navajo	56	2.5
Pima	362	16.0
Pinal	135	6.0
Santa Cruz	48	2.1
Yavapai	119	5.3
Yuma	267	11.8
TOTAL	2,265	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 11% (7% between FY03 and FY04 alone).

Gender: Disposition of JIPS FY04		
Male	1,890	83.4%
Female	375	16.6
Unknown	0	0.0
TOTAL	2,265	100.0

Age: Disposition of JIPS FY04		
8	0	0.0%
9	0	0.0
10	2	0.1
11	6	0.3
12	38	1.7
13	120	5.3
14	292	12.9
15	502	22.2
16	662	29.2
17	640	28.3
Unknown	3	0.1
TOTAL	2,265	100.0

Ethnicity: Disposition of JIPS FY04		
Hispanic	1,058	46.7%
African American	174	7.7
Anglo	941	41.6
Native American	82	3.6
Asian/Pacific Islander	5	0.2
Other	3	0.1
Unknown	2	0.1
TOTAL	2,265	100.0

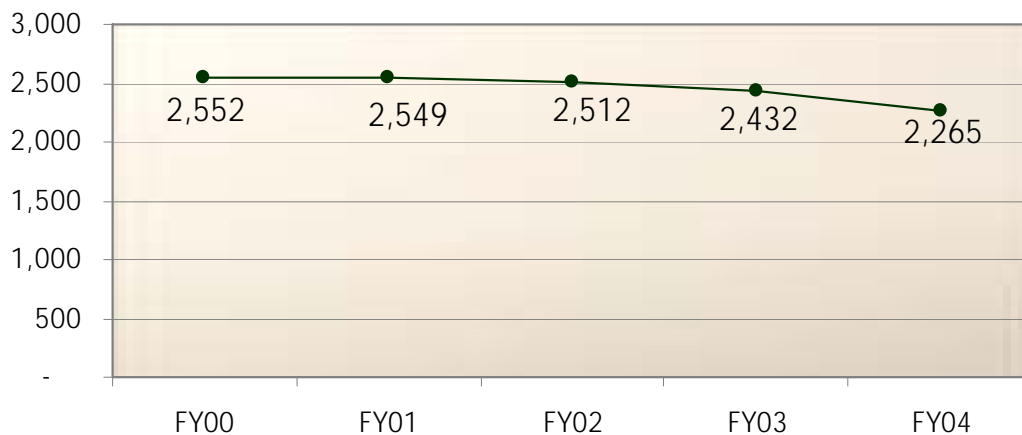
Education Status: Disposition of JIPS FY04		
Enrolled	1,646	72.7%
Not Enrolled	391	17.3
Expelled	22	1.0
Suspended	22	1.0
Withdrawn	20	0.9
Graduated	6	0.3
GED Program	6	0.3
Unknown	152	6.7
TOTAL	2,265	100.0

Severity of Most Serious Offense: Disposition of JIPS FY04		
Felonies Against Person	229	10.1%
Felonies Against Property	578	25.5
Obstruction of Justice: Fel. & Misd.	1,027	45.3
Misdemeanors Against Person	70	3.1
Drugs: Fel. & Misd.	196	8.7
Public Peace: Fel. & Misd.	113	5.0
Misdemeanors Against Property	40	1.8
Status Offenses	0	0.0
Citations/Administrative	12	0.5
TOTAL	2,265	100.0

Offense Class of Most Serious Offense: Disposition of JIPS FY04		
Felony	1,197	52.9%
Misdemeanor	354	15.6
Administrative	704	31.1
Status	0	0.0
Other	10	0.4
TOTAL	2,265	100.0

Number of Prior Referrals: Disposition of JIPS FY04		
0	91	4.0%
1	118	5.2
2	157	6.9
3	226	10.0
4	219	9.7
5	242	10.7
6	250	11.0
7	182	8.0
8 or more	780	34.4
TOTAL	2,265	100.0

Intensive Probation



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ADJC

JUVENILES WITH DISPOSITIONS TO ADJC IN FY04

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 most recent referral 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.⁵

County: Disposition to ADJC FY04		
Apache	8	0.9%
Cochise	32	3.6
Coconino	22	2.5
Gila	13	1.5
Graham	5	0.6
Greenlee	3	0.3
La Paz	1	0.1
Maricopa	457	51.7
Mohave	37	4.2
Navajo	13	1.5
Pima	175	19.8
Pinal	53	6.0
Santa Cruz	12	1.4
Yavapai	15	1.7
Yuma	38	4.3
TOTAL	884	100.0

In FY04, 884 juveniles were committed to ADC, a decline of 4.5% from FY03. Over the last five years, commitments dropped by 31.7%.

- 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).
- 60.5% 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 FY04		
Male	770	87.1%
Female	114	12.9
Unknown	0	0.0
TOTAL	884	100.0

Age: Disposition to ADJC FY04		
8	0	0.0%
9	0	0.0
10	0	0.0
11	0	0.0
12	2	0.2
13	11	1.2
14	70	7.9
15	172	19.5
16	284	32.1
17	345	39.0
Unknown	0	0.0
TOTAL	884	100.0

Ethnicity: Disposition to ADJC FY04		
Hispanic	424	48.0%
African American	82	9.3
Anglo	332	37.6
Native American	39	4.4
Asian/Pacific Islander	4	0.5
Other	1	0.1
Unknown	2	0.2
TOTAL	884	100.0

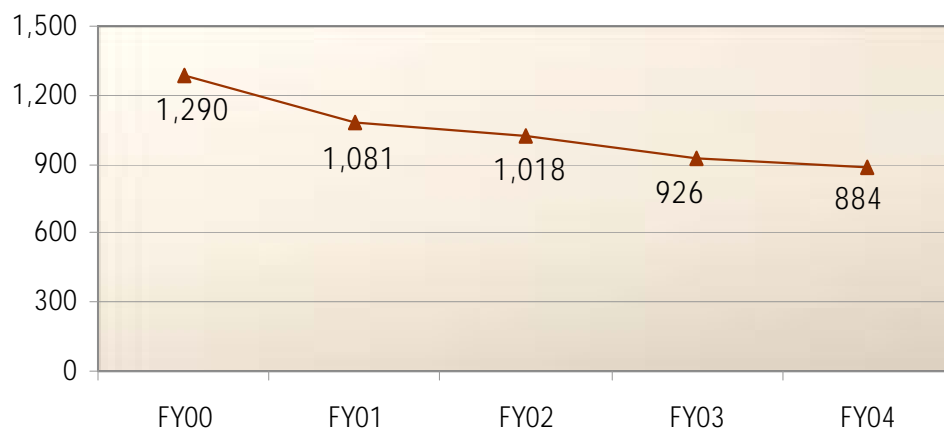
Education Status: Disposition to ADJC FY04		
Enrolled	477	54.0%
Not Enrolled	267	30.2
Expelled	11	1.2
Suspended	14	1.6
Withdrawn	21	2.4
Graduated	2	0.2
GED Program	3	0.3
Unknown	89	10.1
TOTAL	884	100.0

Severity of Most Serious Offense: Disposition to ADJC FY04		
Felonies Against Person	98	11.1%
Felonies Against Property	208	23.5
Obstruction of Justice: Fel. & Misd.	399	45.1
Misdemeanors Against Person	30	3.4
Drugs: Fel. & Misd.	71	8.0
Public Peace: Fel. & Misd.	52	5.9
Misdemeanors Against Property	15	1.7
Status Offenses	3	0.3
Citations/Administrative	8	0.9
TOTAL	884	100.0

Offense Class of Most Serious Offense: Disposition to ADJC FY04		
Felony	458	51.8%
Misdemeanor	126	14.3
Administrative	290	32.8
Status	3	0.3
Other	7	0.8
TOTAL	884	100.0

Number of Prior Referrals: Disposition to ADJC FY04		
0	14	1.6%
1	16	1.8
2	20	2.3
3	36	4.1
4	54	6.1
5	52	5.9
6	82	9.3
7	75	8.5
8 or more	535	60.5
TOTAL	884	100.0

ADJC



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DIRECT FILED & TRANSFERRED

JUVENILES DIRECT FILED AND TRANSFERRED TO ADULT COURT IN FY04

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 these 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.¹

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.

JUVENILES DIRECT FILED & TRANSFERRED TO ADULT COURT IN FY04

Pathways for Juveniles Filed in Adult Court FY04		
Pathways	Number of Juveniles	% of Total
Transfer	105	21.1%
Mandatory	166	33.4
Mandatory Prior Conviction	26	5.2
Chronic	61	12.3
Discretionary	140	28.0
TOTAL	*498	100.0

County: Direct Filed in and Transferred to Adult Court FY04		
Apache	2	0.4%
Cochise	4	0.8
Coconino	9	1.8
Gila	4	0.8
Graham	1	0.2
Greenlee	1	0.2
La Paz	0	0.0
Maricopa	314	63.1
Mohave	7	1.4
Navajo	1	0.2
Pima	115	23.1
Pinal	15	3.0
Santa Cruz	2	0.4
Yavapai	12	2.4
Yuma	11	2.2
TOTAL	*498	100.0

*The number of juveniles in these tables are 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 referred more than once during the fiscal year, information from the most recent referral 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.

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).

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.

County: Juveniles Direct Filed in Adult Court FY04		
Apache	1	0.3%
Cochise	2	0.5
Coconino	9	2.3
Gila	1	0.3
Graham	0	0.0
Greenlee	0	0.0
La Paz	0	0.0
Maricopa	258	65.7
Mohave	3	0.8
Navajo	0	0.0
Pima	99	25.2
Pinal	10	2.5
Santa Cruz	2	0.5
Yavapai	2	0.5
Yuma	6	1.5
TOTAL	393	100.0

JUVENILES DIRECT FILED & TRANSFERRED TO ADULT COURT IN FY04

From FY00 to FY04, direct filings to adult court dropped by 41%. Over the past year, direct filings declined by 16%.¹

Gender: Juveniles Direct Filed FY04		
Male	372	94.7%
Female	21	5.3
Unknown	0	0.0
TOTAL	393	100.0

Age: Juveniles Direct Filed FY04		
8	0	0.0%
9	0	0.0
10	0	0.0
11	0	0.0
12	0	0.0
13	0	0.0
14	6	1.5
15	49	12.5
16	122	31.0
17	213	54.2
Unknown	3	0.8
TOTAL	393	100.0

Ethnicity: Juveniles Direct Filed FY04		
Hispanic	221	56.2%
African American	52	13.2
Anglo	104	26.5
Native American	15	3.8
Asian/Pacific Islander	1	0.3
Other	0	0.0
Unknown	0	0.0
TOTAL	393	100.0

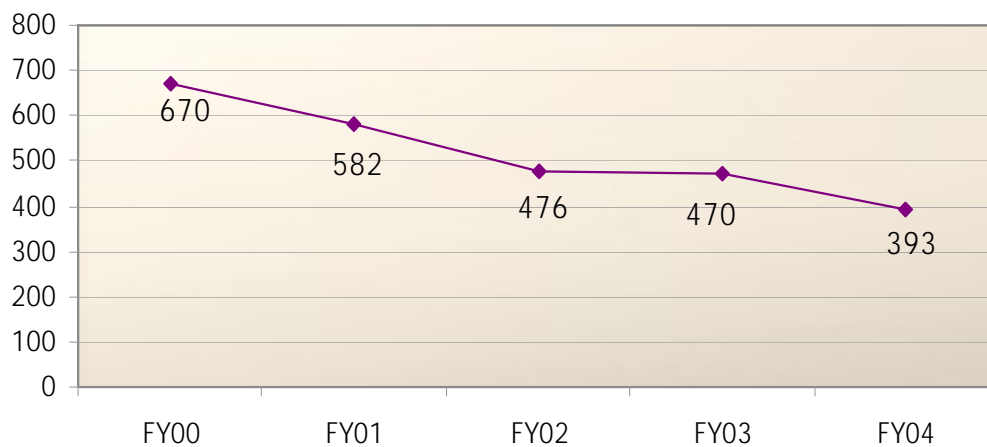
Education Status: Juveniles Direct Filed FY04		
Enrolled	185	47.1%
Not Enrolled	142	36.1
Expelled	2	0.5
Suspended	1	0.3
Withdrawn	5	1.3
Graduated	3	0.8
GED Program	0	0.0
Unknown	55	14.0
TOTAL	393	100.0

Severity of Most Serious Offense: Juveniles Direct Filed FY04		
Felonies Against Person	216	55.0%
Felonies Against Property	110	28.0
Obstruction of Justice: Fel. & Misd.	2	0.5
Misdemeanors Against Person	6	1.5
Drugs: Fel. & Misd.	44	11.2
Public Peace: Fel. & Misd.	13	3.3
Misdemeanors Against Property	2	0.5
Status Offenses	0	0.0
Citations/Administrative	0	0.0
TOTAL	393	100.0

Offense Class of Most Serious Offense: Juveniles Direct Filed FY04		
Felony	383	97.5%
Misdemeanor	10	2.5
Administrative	0	0.0
Status	0	0.0
Other	0	0.0
TOTAL	393	100.0

Number of Prior Referrals: Juveniles Direct Filed FY04		
0	62	15.8%
1	48	12.2
2	36	9.2
3	26	6.6
4	24	6.1
5	18	4.6
6	22	5.6
7	19	4.8
8 or more	138	35.1
TOTAL	393	100.0

Adult Court Direct Filed



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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 FY04		
Apache	1	1.0%
Cochise	2	1.9
Coconino	0	0.0
Gila	3	2.9
Graham	1	1.0
Greenlee	1	1.0
La Paz	0	0.0
Maricopa	56	53.3
Mohave	4	3.8
Navajo	1	1.0
Pima	16	15.2
Pinal	5	4.8
Santa Cruz	0	0.0
Yavapai	10	9.5
Yuma	5	4.8
TOTAL	105	100.0

JUVENILES DIRECT FILED & TRANSFERRED TO ADULT COURT IN FY04

From FY03 to FY04, transfers to adult court increased by 8%. Over the last five years, however, transfers have dropped by 25.5%. The gradual increase in transfers and decline in direct filings appears to be a continuing trend.

Gender: Juveniles Transferred FY04		
Male	96	91.4%
Female	9	8.6
Unknown	0	0.0
TOTAL	105	100.0

Age: Juveniles Transferred FY04		
8	0	0.0%
9	0	0.0
10	0	0.0
11	0	0.0
12	0	0.0
13	0	0.0
14	1	1.0
15	2	1.9
16	7	6.7
17	86	81.9
Unknown	9	8.6
TOTAL	105	100.0

Ethnicity: Juveniles Transferred FY04		
Hispanic	63	60.0%
African American	3	2.9
Anglo	36	34.3
Native American	1	1.0
Asian/Pacific Islander	1	1.0
Other	0	0.0
Unknown	1	1.0
TOTAL	105	100.0

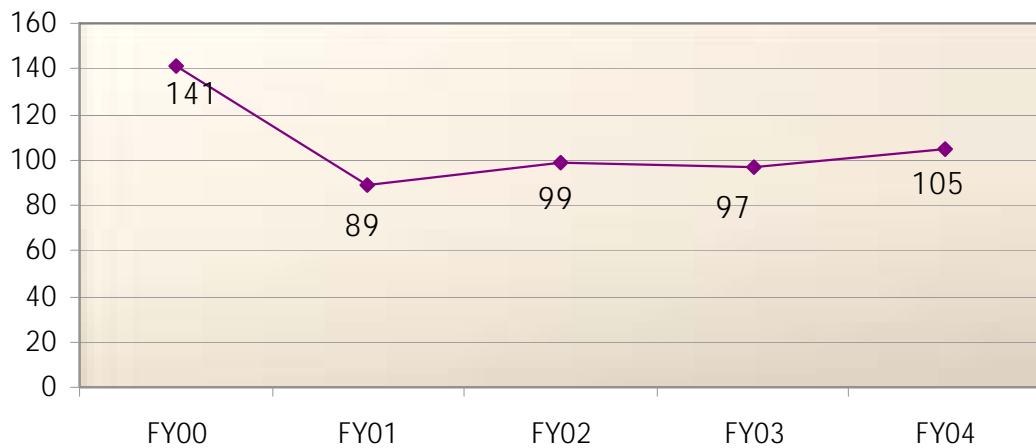
Education Status: Juveniles Transferred FY04		
Enrolled	38	36.2%
Not Enrolled	42	40.0
Expelled	0	0.0
Suspended	0	0.0
Withdrawn	2	1.9
Graduated	0	0.0
GED Program	0	0.0
Unknown	23	21.9
TOTAL	105	100.0

Severity of Most Serious Offense: Juveniles Transferred FY04		
Felonies Against Person	21	20.0%
Felonies Against Property	62	59.1
Obstruction of Justice: Fel. & Misd.	0	0.0
Misdemeanors Against Person	0	0.0
Drugs: Fel. & Misd.	14	13.3
Public Peace: Fel. & Misd.	7	6.7
Misdemeanors Against Property	1	1.0
Status Offenses	0	0.0
Citations/Administrative	0	0.0
TOTAL	105	100.0

Offense Class of Most Serious Offense: Juveniles Transferred FY04		
Felony	100	95.2%
Misdemeanor	5	4.8
Administrative	0	0.0
Status	0	0.0
Other	0	0.0
TOTAL	105	100.0

Number of Prior Referrals: Juveniles Transferred FY04		
0	21	20.0%
1	13	12.4
2	10	9.5
3	9	8.6
4	8	7.6
5	8	7.6
6	2	1.9
7	2	1.9
8 or more	32	30.5
TOTAL	105	100.0

Juveniles Transferred to Adult Court



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SPECIAL TOPIC: GENDER

JUVENILES REFERRED IN FY04

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 FY04.

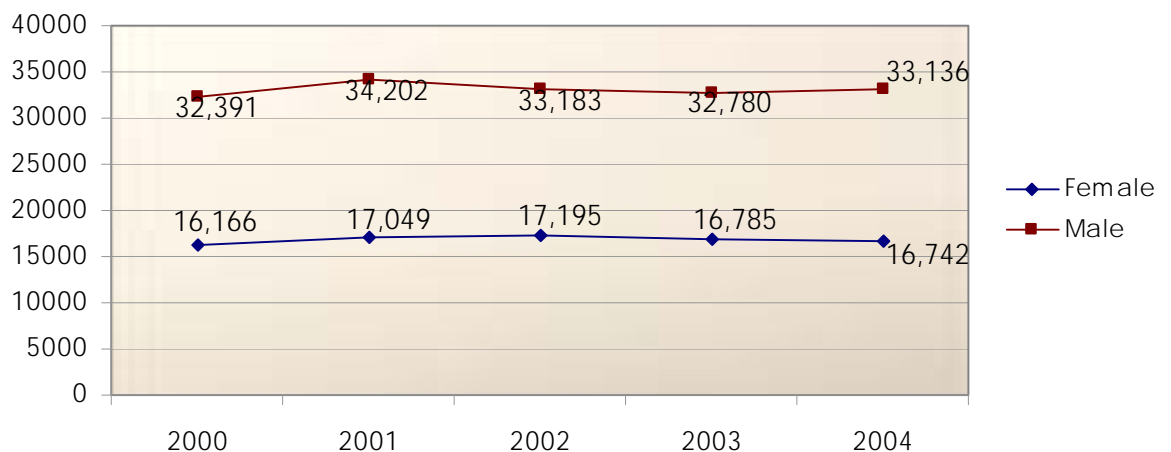
Over the last decade, increasing attention has been paid to girls in the juvenile justice system. According to the Office of Juvenile Justice and Delinquency Prevention (2002), girls’ arrests have been increasing in most categories faster than boys’ arrests. In Arizona, the proportions have held fairly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

last five years, there has been a 3.6% increase in girls referred compared to a 2.3% increase 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 FY04		
	Female	Male
Referral	33.6%	66.4%
Detention	25.5	74.6
Diversion	39.6	60.4
Petitioned	25.9	74.2
Dismissed	28.8	71.2
Penalty Only	27.1	72.9
Standard Probation	25.6	74.4
JIPS	16.6	83.4
ADJC	12.9	87.1
Direct Filed	5.3	94.7
Transferred	8.6	91.4

**Referrals by Gender
FY2000 to FY2004**



Average Age

For the juveniles referred in FY04, 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).

Average Age at First Referral FY04		
	Age	#
Female	14.1	16,742
Male	13.8	33,136
TOTAL		49,878

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 (24.9%); status (24.2%); and misdemeanors against property (17.6%). On the other hand, apart from public peace offenses (27.4%), boys' referral offenses are more equally distributed across severity categories.

Severity of Most Serious Referral Offense: Percentage By Gender FY04		
	Female	Male
Felonies Against Person	2.5%	6.2%
Felonies Against Property	5.8	12.9
Obstruction of Justice: Fel. & Misd.	7.7	9.6
Misdemeanors Against Person	9.4	8.3
Drugs: Fel. & Misd.	7.4	11.3
Public Peace: Fel. & Misd.	24.9	27.4
Misdemeanors Against Property	17.6	11.5
Status Offenses	24.2	12.1
Citations/Administrative	0.5	0.7
TOTAL	100.0	100.0

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 16.5% in FY00 to 18.0% FY04 while the proportion of boys' felonies dropped (36.1% in FY00 to 35.0% in FY04).

Offense Type of Most Serious Referral Offense: Percentage By Gender FY2000 to FY2004		
	Female	Male
Felony		
2000	2,669 (16.5%)	11,690 (36.1%)
2001	2,865 (16.8%)	12,112 (35.4%)
2002	3,083 (17.9%)	11,709 (35.3%)
2003	2,923 (17.4%)	11,267 (34.4%)
2004	3,016 (18.0%)	11,585 (35.0%)
Misdemeanor		
2000	8,219 (50.8%)	14,620 (45.1%)
2001	8,457 (49.6%)	15,458 (45.2%)
2002	8,612 (50.1%)	14,969 (45.1%)
2003	8,699 (51.8%)	15,365 (46.9%)
2004	8,702 (52.0%)	15,369 (46.4%)

Treatment Received

Of the 16,742 girls referred in FY04, 35% received treatment services during the year compared to 39% of the boys.

On average, \$812.30 was spent on treatment for girls and \$937.29 was spent on boys.

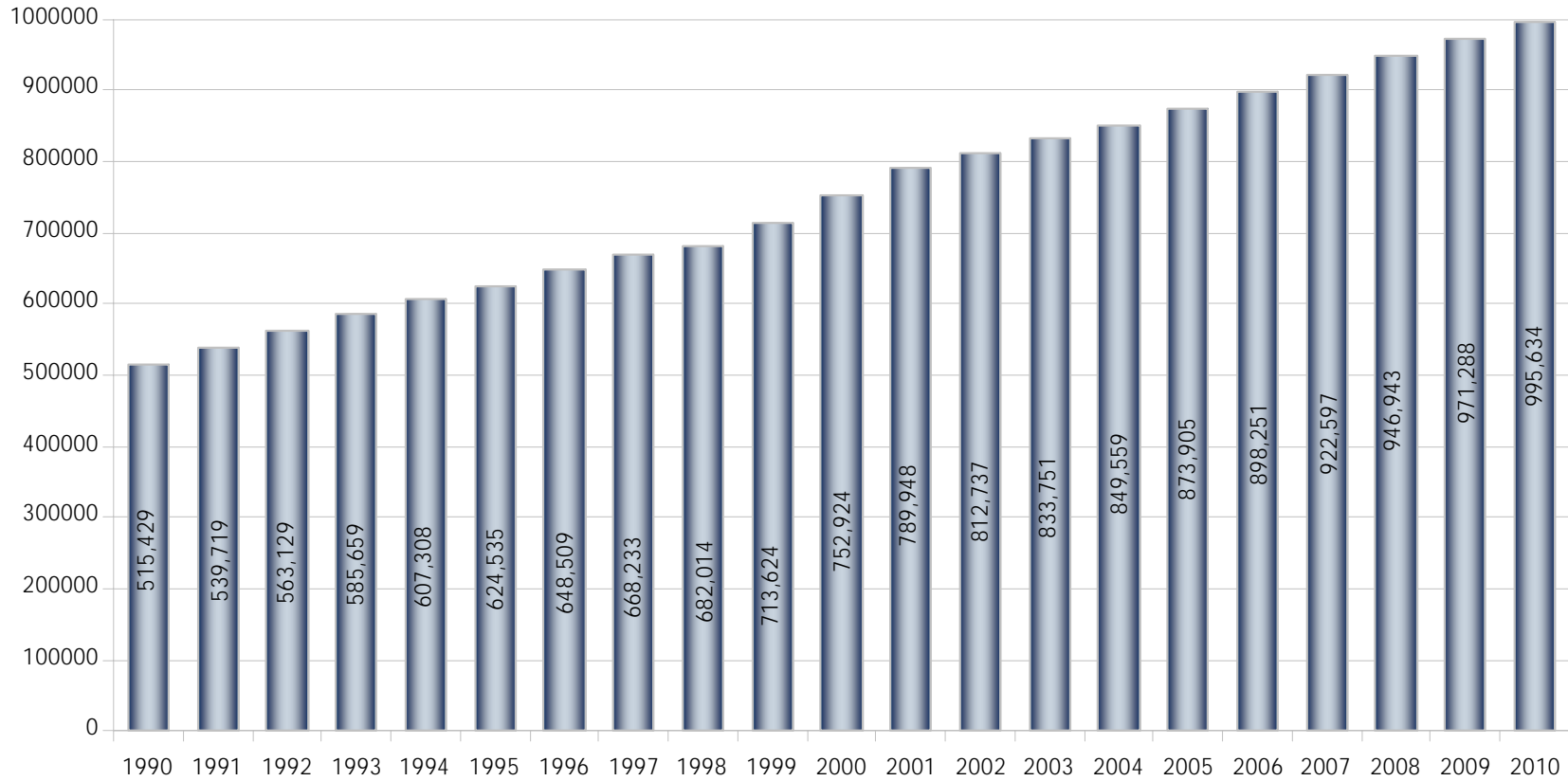
The biggest allocation of treatment monies for both boys (31.8%) and girls (47.7%) was for "Out of Home" services (residential, group homes, detention alternatives, etc.). The next largest amount of money spent on boys was for sex offender treatment (19.3%) and general outpatient mental health for girls.

Juveniles Referred in FY04 Who Received Treatment (Tx) in FY04			
	Total Referred	Rec'd Tx	%
Female	16,942	5,866	35.0%
Male	33,136	12,886	38.9
TOTAL		18,752	

FY04 Treatment Expenditures by Category Percentage of Total Dollars Spent		
	% Female	% Male
Ancillary Services	3.7%	5.2%
Behavioral Support Service	3.6	3.5
Competency Restoration	1.3	2.7
Delinquency Prevention	9.0	7.2
Evaluation and Diagnosis	4.0	5.3
Foster Home	0.5	1.0
Functional Family Therapy	1.7	1.1
Out-of-Home	47.7	31.8
Outpatient	13.5	11.1
R.A.F.T.	2.9	1.9
Sex Offender	1.0	19.3
Substance Abuse	11.0	9.9
Violence Intervention	0.0	0.1
TOTAL	\$4,656,639.14	\$11,917,929.11

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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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NOTES

JUVENILES PROCESSED FY04

1. 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 Transferred and/or Direct Filed in Adult Court FY02" and "County: Direct Filed and Transferred to Adult Court FY02". 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.

2. 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.

3. 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.
4. 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.
5. 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.
6. 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.
7. For further information, see:

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8. Data on dispositions to Standard Probation and JIPS include juveniles who are continued on Standard Probation and JIPS.

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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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