

Juveniles Processed *in the* Arizona Court System

FY 2009



JULY 1, 2008 - JUNE 30, 2009

ADMINISTRATIVE OFFICE OF THE COURTS
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Special thanks to the JOLTS Coordinators, Directors, and staff for their
diligence in ensuring quality data for this report.

CONTENTS

Introduction and Trends	1
Referral Processing	7
Juveniles Referred.....	7
Juveniles Detained.....	10
Juveniles Diverted.....	12
Court Processing	14
Juveniles with Petitions Filed.....	14
Juveniles with Dispositions of Dismissed.....	16
Juveniles with Dispositions of Penalty Only.....	18
Juveniles with Dispositions to Standard Probation.....	20
Juveniles with Dispositions to JIPS.....	22
Selected Topics	24
ADJC.....	24
ADJC & AOC Comparison.....	26
Direct Filed and Transferred.....	28
Direct Filed in Adult Court.....	29
Transferred to Adult Court.....	31
Gender.....	33
Notes & Glossary of Juvenile Justice Terms	36

LIST OF TABLES & GRAPHS

Introduction & Trends

Juvenile Justice Flow Chart	3
Arizona Juvenile Court Activity FY09	4
Arizona Juvenile Population Estimates and Projections: Ages 8 – 17, 1990-2010	4
The Number of Juveniles Dispositioned to Probation, Intensive Probation, ADJC and Adult Court: Fiscal Years 2002 - 2009	5
Referrals, Petitions Filed, Juveniles Referred and Petitioned, FY 2002 - 2009	5
Pathways for Juveniles Transferred and/or Direct Filed in Adult Court: FY 2002 - 2009.....	6

Juveniles Referred

1.1 County.....	7
1.2 Gender	7
1.3 Age	7
1.4 Ethnicity	8
1.5 Education Status	8
1.6 Number of Prior Referrals	8
1.7 Severity of Most Serious Offense	8
1.8 Offense Class of Most Serious Offense	8
Graph: Five Year Trend	8
1.9 Top Ten Referral Categories.....	9
1.10 Top Ten Referral Categories for Previous Fiscal Years	9

Juveniles Detained

2.1 County.....	10
2.2 Gender	10
2.3 Age	11
2.4 Ethnicity	11
2.5 Education Status	11
2.6 Number of Prior Referrals	11
2.7 Severity of Most Serious Offense	11
2.8 Offense Class of Most Serious Offense	11
Graph: Five Year Trend	11

Juveniles Diverted

3.1 County.....	12
3.2 Gender	12
3.3 Age	12
3.4 Ethnicity	13
3.5 Education Status	13
3.6 Number of Prior Referrals	13
3.7 Severity of Most Serious Offense	13
3.8 Offense Class of Most Serious Offense	13
Graph: Five Year Trend	13

Juveniles with Petitions Filed

4.1 County.....	14
4.2 Gender	14
4.3 Age	14
4.4 Ethnicity	15
4.5 Education Status	15
4.6 Number of Prior Referrals	15
4.7 Severity of Most Serious Offense	15
4.8 Offense Class of Most Serious Offense	15
Graph: Five Year Trend	15

Juveniles with Disposition of Dismissed	
5.1 County.....	16
5.2 Gender.....	16
5.3 Age.....	16
5.4 Ethnicity.....	17
5.5 Education Status.....	17
5.6 Number of Prior Referrals.....	17
5.7 Severity of Most Serious Offense.....	17
5.8 Offense Class of Most Serious Offense.....	17
Graph: Five Year Trend.....	17
Juveniles with Dispositions of Penalty Only	
6.1 County.....	18
6.2 Gender.....	18
6.3 Age.....	18
6.4 Ethnicity.....	19
6.5 Education Status.....	19
6.6 Number of Prior Referrals.....	19
6.7 Severity of Most Serious Offense.....	19
6.8 Offense Class of Most Serious Offense.....	19
Graph: Five Year Trend.....	19
Juveniles with Dispositions to Standard Probation	
7.1 County.....	20
7.2 Gender.....	20
7.3 Age.....	20
7.4 Ethnicity.....	21
7.5 Education Status.....	21
7.6 Number of Prior Referrals.....	21
7.7 Severity of Most Serious Offense.....	21
7.8 Offense Class of Most Serious Offense.....	21
Graph: Five Year Trend.....	21
Juveniles with Dispositions to JIPS	
8.1 County.....	22
8.2 Gender.....	22
8.3 Age.....	22
8.4 Ethnicity.....	23
8.5 Education Status.....	23
8.6 Number of Prior Referrals.....	23
8.7 Severity of Most Serious Offense.....	23
8.8 Offense Class of Most Serious Offense.....	23
Graph: Five Year Trend.....	23
Juveniles with Dispositions to ADJC	
9.1 County.....	24
9.2 Age.....	24
9.3 Gender.....	25
9.4 Ethnicity.....	25
9.5 Education Status.....	25
9.6 Number of Prior Referrals.....	25
9.7 Severity of Most Serious Offense.....	25
9.8 Offense Class of Most Serious Offense.....	25
Graph: Five Year Trend.....	25
ADJC & AOC Comparison	
Graph: Juveniles Originally Committed, FY 2005 – FY 2009.....	26
10.1 Commitments FY09.....	26
10.2 Commitments FY08.....	27
10.3 Commitments FY07.....	27

Juveniles Direct Filed in and Transferred to Adult Court	
11.1 Pathways for Juveniles Filed in Adult Court	28
11.2 County: Direct Filed in and Transferred to Adult Court	28
Juveniles Direct Filed in Adult Court	
11.3 County.....	29
11.4 Gender	29
11.5 Age	29
11.6 Ethnicity	30
11.7 Education Status	30
11.8 Number of Prior Referrals	30
11.9 Severity of Most Serious Offense	30
11.10 Offense Class of Most Serious Offense	30
Graph: Five Year Trend	30
Juveniles Transferred to Adult Court	
11.11 County.....	31
11.12 Age.....	31
11.13 Gender.....	32
11.14 Ethnicity.....	32
11.15 Education Status.....	32
11.16 Number of Prior Referrals.....	32
11.17 Severity of Most Serious Offense	32
11.18 Offense Class of Most Serious Offense	32
Graph: Five Year Trend	32
Gender	
12.1 Percentage of Each Gender at Stages in the Juvenile Justice System	33
12.2 Average Age at First Referral.....	34
12.3 Severity of the Most Serious Referral Offense.....	34
12.4 Offense Type of Most Serious Referral Offense.....	34
12.5 Juveniles Referred Who Received Treatment	35
12.6 Treatment Expenditures.....	35
Graph: Referrals by Gender	35

INTRODUCTION & TRENDS

This is the sixteenth publication of *Juveniles Processed in the Arizona Court System*. These data for this report are extracted each year from fourteen Juvenile Courts' Juvenile On-Line Tracking Systems (JOLTS). JOLTS is the automated juvenile court information management system that has been operational statewide for more than sixteen years. After having used JOLTS for more than 25 years, July 1, 2008 Maricopa County changed to their new Integrated Court Information System (iCIS). Maricopa County's data was collected and stored in iCIS this year and extracted on August 30th 2009. Each juvenile court actively participates in collecting and maintaining the data to ensure quality and accuracy.

This report provides an overview of the juveniles processed at various stages of the juvenile justice system statewide during fiscal year 2009 (FY09), July 1, 2008-June 30, 2009. 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 (JIPS)
- Arizona Department of Juvenile Corrections (ADJC)
- Juveniles Direct Filed and Transferred to Adult Court
- Special classification of each stage by Gender

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

As juveniles may have entered the system in a previous fiscal year but did not experience processing at a particular stage until this fiscal year, be cognizant of the fact that these data are not following the same juveniles through each stage; rather they are describing the juveniles who experienced a particular stage during FY09. In other words, one or more of the stages presented in this report happened during the year. Juveniles who were referred, detained, diverted, petitioned, had at least one disposition from the court, and/or were direct filed and/or transferred to adult court, at one point during FY09 are included in the reporting.

The number of juveniles processed in the juvenile justice system is influenced by several factors, such as legislative actions, law enforcement and prosecutorial practices, and the number of juveniles ages 8 to 17 years old in the Arizona population. Throughout 2009, the juvenile population has continued to increase steadily, as evidenced in the Arizona Juvenile Population Estimates and Projections chart in this section.³ The charts in this report reflect a slight decrease in juvenile offense activity in spite of a very large increase in juvenile population. The population of juveniles between the ages of 8 to 17 has increased over 20% from FY02 through FY09. Juveniles referred and petitioned along with overall numbers of referrals and petitions are down in each category over the same time frame.

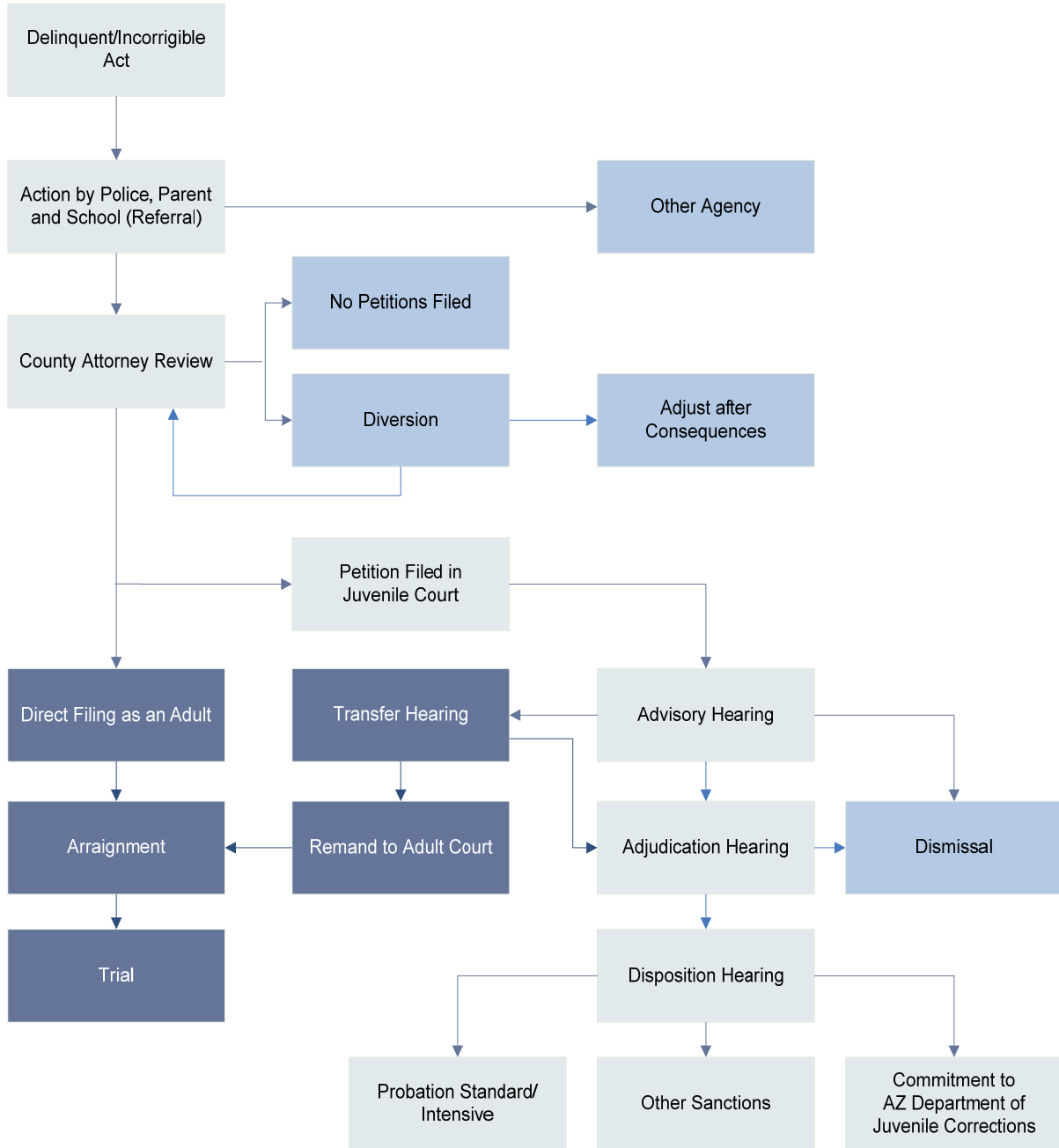
The flow chart of the juvenile justice system in this Introduction and Trends section of the report is followed by a chart entitled *Arizona Juvenile Court Activity FY09* that illustrates selected stages within the juvenile justice system and the number of juveniles processed at each stage. This chart outlines all stages showing both duplicated and unduplicated counts of juveniles. Since a juvenile may receive more than one referral in a given year and each referral received may or may not have the same disposition, the number of referrals and the number of juveniles at each stage will not be the same. The unduplicated numbers of referrals and petitions on this charts demonstrates the amount of workload generated by these juveniles at each stage.

Graphs are included in this Introduction and Trends section to illustrate trends since FY02. The first series of graphs shows data on referrals, juveniles referred, petitions filed and juveniles with petitions filed. The “referrals” figure includes the number of referrals for the year. The “juveniles referred” figure, on the other hand, 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 ordered to specific dispositions for each year. 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.

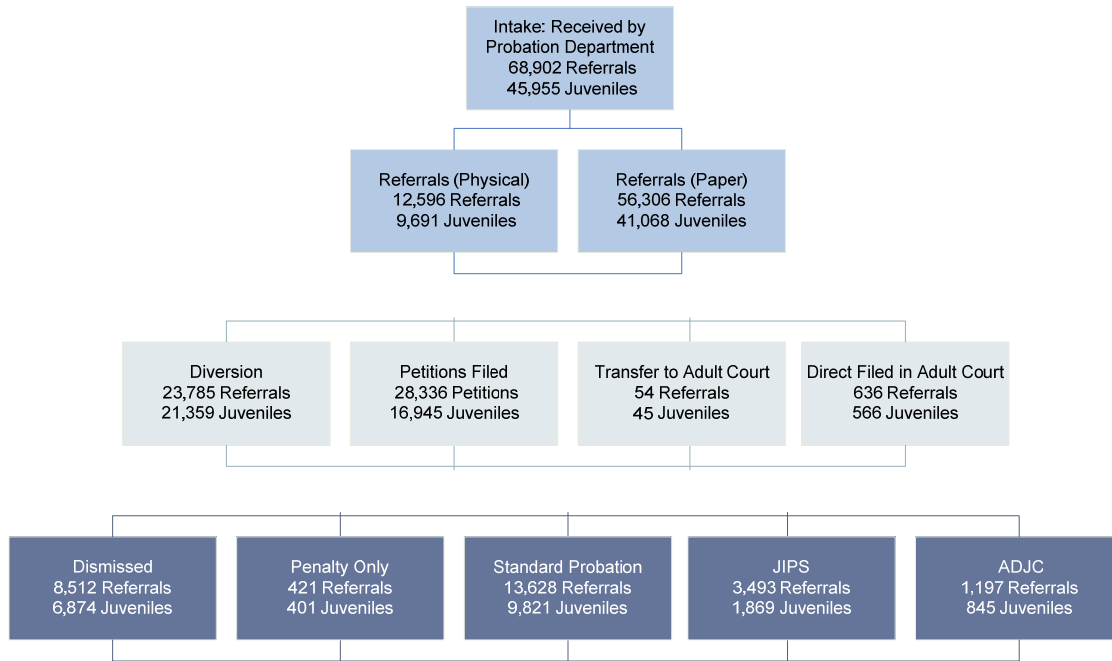
Analysis of data on juveniles processed in the Arizona court system is ongoing. Data is analyzed to identify the treatment needs of juveniles; to determine what works in meeting those needs and obtaining the best outcomes; to identify the most cost effective allocation of resources; and to develop the 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 trends and issues.

Several reports have also been completed over the past years, including Juveniles Processed FY98 through FY09 and are all available on the Arizona Supreme Court, Juvenile Justice Services Division (JJSD) website at <http://www.supreme.state.az.us/jjtd>.

Juvenile Justice Flowchart

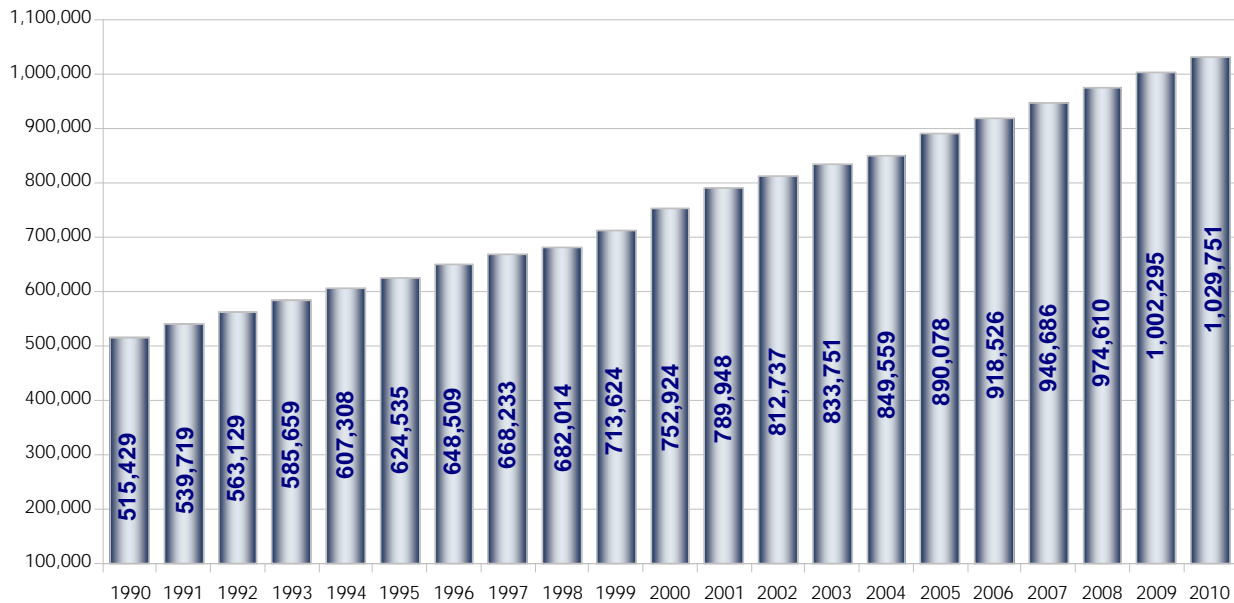


Arizona Juvenile Court Activity FY09



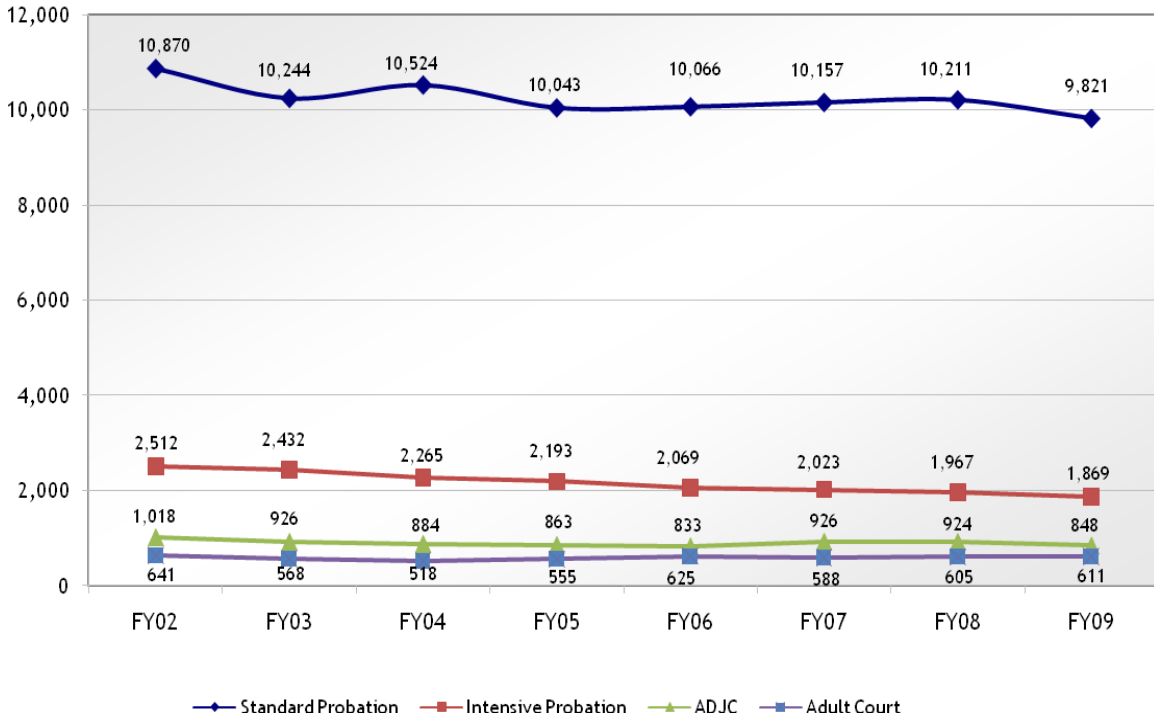
Data Source: Arizona Supreme Court, Administrative Office of the Courts, Juvenile Justice Services Division; Fifteen Juvenile Courts' Juvenile On-Line Tracking System (JOLTS), July 01, 2008 to June 30, 2009

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

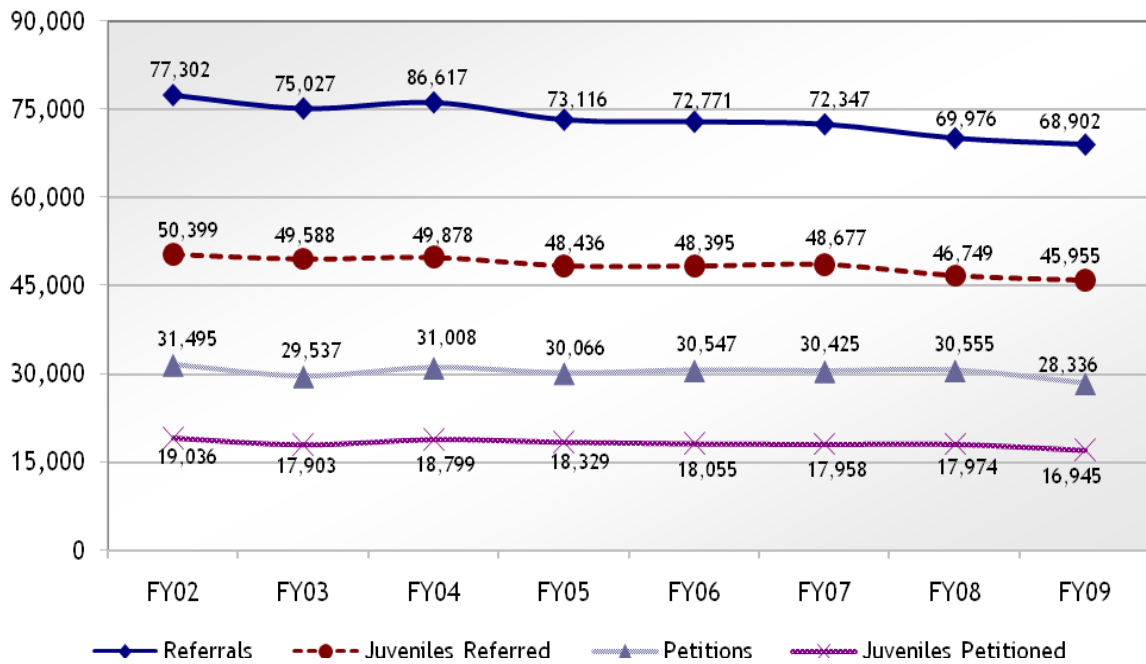


1995 - 1999 Population Estimates: Arizona Department of Economic Security, Research Administration, Population Statistics Unit
 2000 Population Estimate: US Census Bureau, Single Age Estimates
 2001 - 2004 Population Projections: Constructed using Linear Regression Model by AOC/JJSD
 2005 - 2010 Population Estimate and Projections, D.E.S. 2005 Census Data and National Center for Juvenile Justice Data

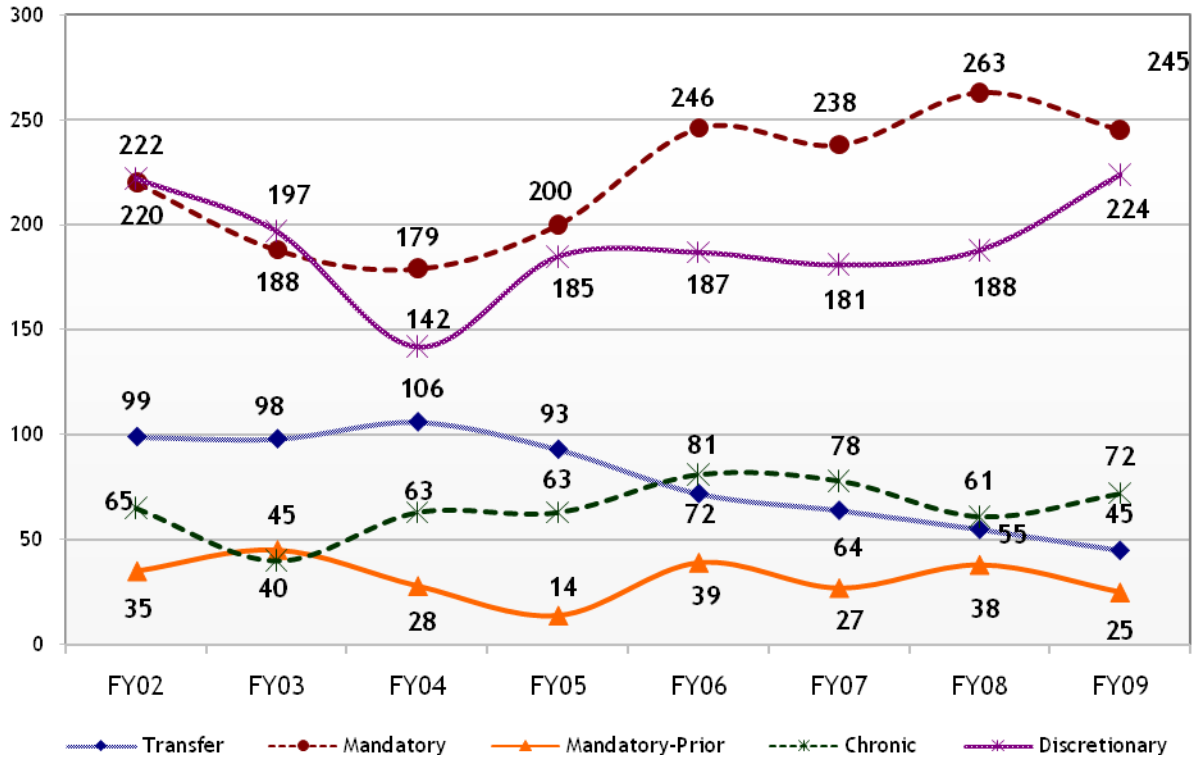
The Number of Juveniles Dispositioned to Probation, Intensive Probation, ADJC and Adult Court - Fiscal Years 2002 - 2009



Referrals, Petitions Filed and Juveniles Referred and Petitioned Fiscal Years 2002- 2009



Pathways for Juveniles Transferred and/or Direct Filed in Adult Court Fiscal Years 2002 - 2009¹



JUVENILES REFERRED

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.

Table 1.1 shows the distribution of youth across the counties in Arizona. Demographic and offense specific information are also presented in subsequent tables.

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 FY09. The juveniles are those for whom a report was submitted to the juvenile court alleging that the youth committed a delinquent act or 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 court.

In 2009, there were estimated 1,002,295 juveniles ages 8 to 17 in Arizona. From July 1, 2008 to June 31, 2009, 4.6% of these juveniles (45,955) were referred at least once to Arizona's juvenile courts. This represents about 1 in every 21.7 juveniles. These 45,955 juveniles generated 68,902 referrals at an average of 1.5 referrals per juvenile.

County	Count	Percentage
Apache	196	0.43%
Cochise	1,218	2.65%
Coconino	1,274	2.77%
Gila	691	1.50%
Graham	385	0.84%
Greenlee	65	0.14%
La Paz	127	0.28%
Maricopa	24,114	52.47%
Mohave	1,920	4.18%
Navajo	815	1.77%
Pima	8,460	18.41%
Pinal	2,127	4.63%
Santa Cruz	623	1.36%
Yavapai	1,630	3.55%
Yuma	2,310	5.03%
TOTAL	45,955	100.0

Gender	Count	Percentage
Male	30,339	66.01%
Female	15,616	33.98%
TOTAL	45,955	100.0

Age	Count	Percentage
8	151	0.33%
9	260	0.57%
10	486	1.06%
11	856	1.86%
12	1,888	4.11%
13	3,671	7.99%
14	6,234	13.57%
15	8,878	19.32%
16	10,700	23.28%
17	12,492	27.18%
Unknown	339	0.74%
TOTAL	45,955	100.0

Table 1.4 Ethnicity: Juveniles Referred FY09

Hispanic	18,511	40.28%
African American	3,870	8.42%
Anglo	20,110	43.76%
Native American	2,330	5.07%
Asian/Pacific Islander	331	0.72%
Other	136	0.30%
Unknown	667	1.45%
TOTAL	45,955	100.0

Table 1.5 Education Status: Juveniles Referred FY09

Enrolled	31,853	69.31%
Not Enrolled	2,516	5.47%
Expelled	144	0.31%
Suspended	176	0.38%
Withdrawn	287	0.62%
Graduated	298	0.65%
GED Program	47	0.10%
Unknown	10,634	23.14%
TOTAL	45,955	100.0

Table 1.6 Number of Prior Referrals: Juveniles Referred FY09

0	22,889	49.81%
1	8,542	18.59%
2	4,367	9.50%
3	2,646	5.76%
4	1,843	4.01%
5	1,281	2.79%
6	995	2.17%
7	709	1.54%
8 or more	2,683	5.84%
TOTAL	45,955	100.0

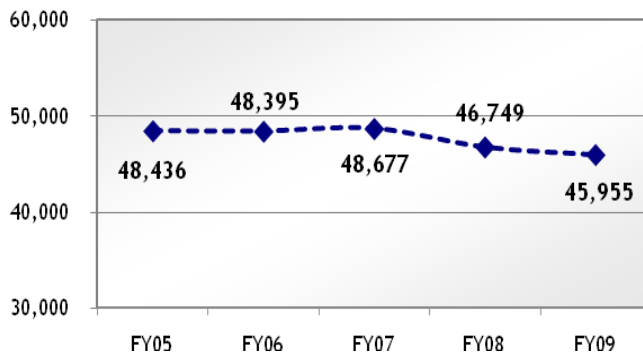
Table 1.7 Severity of Most Serious Offense: Juveniles Referred FY09

Felonies Against Person	2,378	5.17%
Felonies Against Property	4,219	9.18%
Obstruction of Justice: Felony & Misdemeanor	3,654	7.95%
Misdemeanors Against Person	4,105	8.93%
Drugs: Felony & Misdemeanor	5,384	11.72%
Public Peace: Felony & Misdemeanor	11,537	25.10%
Misdemeanors Against Property	7,639	16.62%
Status Offenses	6,718	14.62%
Administrative	321	0.70%
TOTAL	45,955	100.0

Table 1.8 Offense Class of Most Serious Offense: Juveniles Referred FY09

Felony	13,702	29.82%
Misdemeanor	23,407	50.93%
Violations of Probation & Ordinances	1,807	3.93%
Status	6,718	14.62%
Other	321	0.70%
TOTAL	45,955	100.0

Juveniles Referred



For FY02 through FY09 data, refer to the graphs on page 5.

Table 1.9 Top Ten Referral Categories FY09		
Shoplifting - Misd	7,308	10.61%
Probation Violation	6,362	9.23%
Runaway	4,556	6.61%
Curfew	4,131	6.00%
Alcohol	3,980	5.78%
Marijuana Possession	3,296	4.78%
Truancy	3,275	4.75%
Drug Paraphernalia	2,362	3.43%
Disorderly Conduct	2,326	3.38%
Assault – Simple	2,100	3.05%
<i>TOTAL TOP TEN REFERRALS</i>	32,388	47.01%
<i>TOTAL ALL REFERRALS</i>	68,902	100.0%

In FY09, shoplifting-misdemeanor was the most common referral, followed closely by probation violation. This suggests that Arizona’s juvenile probation departments are holding juveniles accountable.

Over the past five years, there has been one change in the categories of the top ten offenses, last year and again this year, drug paraphernalia replaces assault – domestic violence in the top ten offenses list.

Explanations of the categories can be found in the Notes section.⁴

Table 1.10 Top Ten Referral Categories for Previous Fiscal Years			
FY2005	FY2006	FY2007	FY2008
Probation Violation 7,099	Probation Violation 6,169	Probation Violation 7,055	Probation Violation 6,628
Shoplifting – Misd 6,266	Truancy 5,947	Truancy 5,505	Shoplifting - Misd 6,323
Truancy 5,493	Shoplifting – Misd 4,984	Shoplifting – Misd 5,136	Truancy 4,394
Runaway 4,103	Runaway 4,556	Curfew 4,206	Runaway 4,242
Marijuana Possession 3,656	Curfew 3,952	Runaway 4,136	Curfew 3,881
Curfew 3,539	Marijuana Possession 3,704	Marijuana Possession 3,746	Alcohol 3,259
Alcohol 3,276	Alcohol 3,348	Alcohol 3,366	Marijuana Possession 3,108
Assault – Simple 2,635	Assault – Simple 2,550	Assault -Simple 2,403	Drug Paraphernalia 2,492
Disorderly Conduct 2,459	Disorderly Conduct 2,504	Disorderly Conduct 2,243	Disorderly Conduct 2,373
Assault – Domestic Violence 1,946	Assault – Domestic Violence 2,017	Assault – Domestic Violence 1,792	Assault-Simple 2,064

Cells indicate the number of Referrals for each offense.

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JUVENILES DETAINED

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.

Table 2.1 shows the distribution of youth across the counties in Arizona. Demographic and offense specific information are also presented in subsequent tables.

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/or the safety of the community. Responsibility for maintaining a juvenile detention center that is separate 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, nutrition, medical and health services, 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 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. 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	Count	Percentage
Apache	112	1.06%
Cochise	263	2.48%
Coconino	237	2.24%
Gila	230	2.17%
Graham	128	1.21%
Greenlee	22	0.21%
La Paz	8	0.08%
Maricopa	5329	50.33%
Mohave	416	3.93%
Navajo	237	2.24%
Pima	1212	11.45%
Pinal	766	7.23%
Santa Cruz	206	1.95%
Yavapai	574	5.42%
Yuma	849	8.02%
TOTAL	10,589	100.0

In FY09, 10,589 juveniles were detained at least once. Only 6,931 (65.4%) 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.

- The 6,931 juveniles that were detained on a referral (physical referral) represent 15.1% of the juveniles referred to the juvenile court in FY09.
- Over the past few years, juveniles detained have decreased from a high of 13,660 in FY 2002 to 10,589 this year in spite of increased populations.

Gender	Count	Percentage
Male	8,280	78.19%
Female	2,309	21.81%
TOTAL	10,589	100.0

Table 2.3 Age: Juveniles Detained FY09		
8	4	0.04%
9	14	0.13%
10	28	0.26%
11	84	0.79%
12	219	2.07%
13	527	4.98%
14	1,183	11.17%
15	1,975	18.65%
16	2,724	25.72%
17	3,764	35.55%
Unknown	67	0.63%
TOTAL	10,589	100.0

Table 2.4 Ethnicity: Juveniles Detained FY09		
Hispanic	4,793	45.26%
African American	1,144	10.80%
Anglo	3,812	36.00%
Native American	677	6.39%
Asian/Pacific Islander	67	0.63%
Other	28	0.26%
Unknown	68	0.64%
TOTAL	10,589	100.0

Table 2.5 Education Status: Juveniles Detained FY09		
Enrolled	3,654	34.51%
Not Enrolled	809	7.64%
Expelled	59	0.56%
Suspended	74	0.70%
Withdrawn	98	0.93%
Graduated	38	0.36%
GED Program	26	0.25%
Unknown	5,831	55.07%
TOTAL	10,589	100.0

Table 2.6 Number of Prior Referrals: Juveniles Detained FY09		
0	1,604	23.14%
1	1,008	14.54%
2	811	11.70%
3	642	9.26%
4	507	7.31%
5	424	6.12%
6	364	5.25%
7	309	4.46%
8 or more	1,262	18.21%
TOTAL	6,931	100.0

Table 2.7 Severity of Most Serious Offense: Juveniles Detained FY09		
Felonies Against Person	1,237	17.85%
Felonies Against Property	1,451	20.93%
Obstruction of Justice: Felony & Misdemeanor	1,343	19.38%
Misdemeanors Against Person	816	11.77%
Drugs: Felony & Misdemeanor	698	10.07%
Public Peace: Felony & Misdemeanor	912	13.16%
Misdemeanors Against Property	317	4.57%
Status Offenses	69	1.00%
Administrative	88	1.27%
TOTAL	6,931	100.0

Table 2.8 Offense Class of Most Serious Offense: Juveniles Detained FY09		
Felony	3,874	55.89%
Misdemeanor	2,028	29.26%
Violations of Probation & Ordinances	907	13.09%
Status	67	0.97%
Other	55	0.79%
TOTAL	6,931	100.0

Juveniles Detained



JUVENILES DIVERTED

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.

Table 3.1 shows the distribution of youth across the counties in Arizona. Demographic and offense specific information are also presented on subsequent tables.

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 youth. 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.⁵

In FY09, there were 21,359 juveniles diverted in Arizona's juvenile justice system.

Over that last five years, the number of juveniles having referrals diverted has remained fairly stable, however the number of juveniles referred has declined so percentage of the actual juveniles referred who are diverted has increased from a low of 39.5% in FY 07 to a high of 46.4% in FY 09. This trend line of actual juveniles referred over the last five years is visually displayed at the bottom right of the next page (page 13).

We would expect diverted juveniles to have less serious offenses and little or no prior referrals. Of the juveniles diverted in FY09:

- 66.2% had no prior referrals.
- 64.5% had a misdemeanor as the most serious offense.

Table 3.1 County: Juveniles Diverted FY09

Apache	63	0.29%
Cochise	775	3.63%
Coconino	571	2.67%
Gila	291	1.36%
Graham	127	0.59%
Greenlee	11	0.05%
La Paz	46	0.22%
Maricopa	11,192	52.40%
Mohave	885	4.14%
Navajo	120	0.56%
Pima	4,554	21.32%
Pinal	663	3.10%
Santa Cruz	195	0.91%
Yavapai	933	4.37%
Yuma	933	4.37%
TOTAL	21,359	100.0

Table 3.2 Gender: Juveniles Diverted FY09

Male	12,768	59.78%
Female	8,591	40.22%
TOTAL	21,359	100.0

Table 3.3 Age: Juveniles Diverted FY09

8	81	0.38%
9	144	0.67%
10	268	1.25%
11	496	2.32%
12	1,091	5.11%
13	2,151	10.07%
14	3,462	16.21%
15	4,548	21.29%
16	4,768	22.32%
17	4,325	20.25%
Unknown	25	0.12%
TOTAL	21,359	100.0

Table 3.4 Ethnicity: Juveniles Diverted FY09

Hispanic	8,628	40.40%
African American	1,619	7.58%
Anglo	9,670	45.27%
Native American	883	4.13%
Asian/Pacific Islander	198	0.93%
Other	57	0.27%
Unknown	304	1.42%
TOTAL	21,359	100.0

Table 3.5 Education Status: Juveniles Diverted FY09

Enrolled	15,019	70.32%
Not Enrolled	512	2.40%
Expelled	23	0.11%
Suspended	46	0.22%
Withdrawn	40	0.19%
Graduated	59	0.28%
GED Program	5	0.02%
Unknown	5,655	26.48%
TOTAL	21,359	100.0

Table 3.6 Number of Prior Referrals: Juveniles Diverted FY09

0	14,155	66.27%
1	4,407	20.63%
2	1,469	6.88%
3	530	2.48%
4	268	1.25%
5	165	0.77%
6	92	0.43%
7	60	0.28%
8 or more	213	1.00%
TOTAL	21,359	100.0

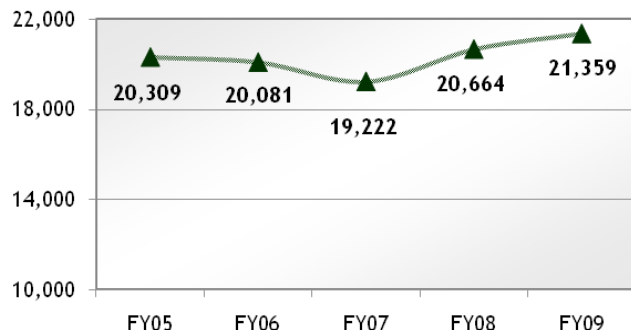
Table 3.7 Severity of Most Serious Offense: Juveniles Diverted FY09

Felonies Against Person	190	0.89%
Felonies Against Property	703	3.29%
Obstruction of Justice: Felony & Misdemeanor	126	0.59%
Misdemeanors Against Person	2,086	9.77%
Drugs: Felony & Misdemeanor	2,357	11.04%
Public Peace: Felony & Misdemeanor	5,948	27.85%
Misdemeanors Against Property	5,932	27.77%
Status Offenses	3,976	18.62%
Administrative	41	0.19%
TOTAL	21,359	100.0

Table 3.8 Offense Class of Most Serious Offense: Juveniles Diverted FY09

Felony	3,442	16.11%
Misdemeanor	13,768	64.46%
Violations of Probation & Ordinances	132	0.62%
Status	3,976	18.62%
Other	36	0.17%
Invalid Complaint	5	0.02%
TOTAL	21,359	100.0

Juveniles Diverted



PETITIONS FILED

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.

Table 4.1 shows the distribution of youth across the counties in Arizona. Demographic and offense specific information are also presented in the subsequent tables.

A petition is a legal document filed in the juvenile court alleging that a referred juvenile is delinquent, incorrigible, or dependent and requests 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, runaway 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.

There were 16,945 juveniles with a petition filed during FY09. This is a slight decrease from FY08.

Although, it appears that juveniles who receive a petition has declined over that last few years, the actual number of juveniles entering the system has also declined. Over the past 5 years, the percentage of actual juveniles referred who are petitioned, ranges from 36.1% to 39.0%, with the low of 36.1% occurring in both FY 07 and again this year, FY 09. Thus, the relative rate or petition is rather stable.

Although, the average age of juveniles receiving a petition is 15.3, almost 3 out of 4 (75.1%) are between 15 and 17 years of age.

Table 4.1 County: Petitions Filed FY09

Apache	101	0.60%
Cochise	329	1.94%
Coconino	516	3.05%
Gila	231	1.36%
Graham	239	1.41%
Greenlee	38	0.22%
La Paz	31	0.18%
Maricopa	8,673	51.18%
Mohave	630	3.72%
Navajo	492	2.90%
Pima	2,435	14.37%
Pinal	1,070	6.31%
Santa Cruz	331	1.95%
Yavapai	734	4.33%
Yuma	1,095	6.46%
TOTAL	16,945	100.0

Table 4.2 Gender: Petitions Filed FY09

Male	12,857	75.88%
Female	4,088	24.12%
TOTAL	16,945	100.0

Table 4.3 Age: Petitions Filed FY09

8	15	0.09%
9	43	0.25%
10	129	0.76%
11	238	1.40%
12	544	3.21%
13	1,114	6.57%
14	2,111	12.46%
15	3,311	19.54%
16	4,330	25.55%
17	5,084	30.00%
Unknown	26	0.15%
TOTAL	16,945	100.0

Table 4.4 Ethnicity: Petitions Filed FY09		
Hispanic	7,235	42.70%
African American	1,713	10.11%
Anglo	6,689	39.47%
Native American	1,041	6.14%
Asian/Pacific Islander	101	0.60%
Other	52	0.31%
Unknown	114	0.67%
TOTAL	16,945	100.0

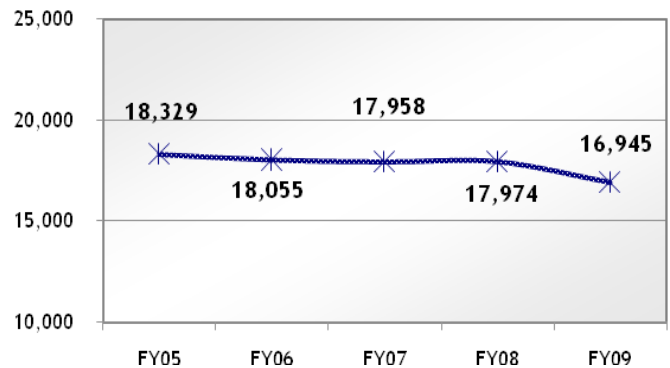
Table 4.5 Education Status: Petitions Filed FY09		
Enrolled	9,115	53.79%
Not Enrolled	1,573	9.28%
Expelled	91	0.54%
Suspended	137	0.81%
Withdrawn	209	1.23%
Graduated	107	0.63%
GED Program	31	0.18%
Unknown	5,682	33.53%
TOTAL	16,945	100.0

Table 4.6 Number of Prior Referrals: Petitions Filed FY09		
0	4,479	25.80%
1	2,861	17.31%
2	2,316	13.84%
3	1,765	10.25%
4	1,302	7.81%
5	907	6.00%
6	782	4.12%
7	547	3.36%
8 or more	1,986	11.51%
TOTAL	16,945	100.0

Table 4.7 Severity of Most Serious Offense: Petitions Filed FY09		
Felonies Against Person	1,468	8.66%
Felonies Against Property	2,876	16.97%
Obstruction of Justice: Felony & Misdemeanor	3,611	21.31%
Misdemeanors Against Person	1,738	10.26%
Drugs: Felony & Misdemeanor	2,210	13.04%
Public Peace: Felony & Misdemeanor	2,744	16.19%
Misdemeanors Against Property	1,871	11.04%
Status Offenses	399	2.35%
Administrative	28	0.17%
TOTAL	16,945	100.0

Table 4.8 Offense Class of Most Serious Offense: Petitions Filed FY09		
Felony	7,530	44.44%
Misdemeanor	7,075	41.75%
Violations of Probation & Ordinances	1,913	11.29%
Status	399	2.35%
Other	28	0.17%
TOTAL	16,945	100.0

Juveniles Petitioned



For FY02 through FY09 data, refer to the graphs on page 5.

JUVENILES DISMISSED

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.

Table 5.1 shows the distribution of youth across the counties in Arizona. Demographic and offense specific information are also presented in subsequent tables.

Referrals and petitions against juveniles can be dismissed. Dismissal means that further consideration or hearings regarding the charge are discontinued or discharged, and no formal action is 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 another charge. Dismissals can also take place as an agreement in court to extend unfulfilled diversion conditions. Upon completion of the conditions, the dismissal will stop further prosecution of the offense.

Dismissal may occur for such reasons as the charges are not proven in court, an agreement is reached to dismiss a charge in exchange for an admission to a different charge or some penalty, or the case is transferred to another jurisdiction prior to adjudication. Dismissals can also occur due to motion by the county attorney as a victim does not want further prosecution of a charge or witnesses are unavailable.

In juvenile cases, where a petition is not adjudicated prior to the juvenile's eighteenth birthday, dismissals are processed after the eighteenth birthday and determination is made as to what further action is to be taken in the case.

In FY09 we see 14.9% of all juveniles referred had a complaint dismissed. Over the

last 5 years the total number dismissed has decreased slightly as has the number of juveniles referred, thus the percentage of juveniles referred receiving a disposition of dismissed has remained stable.

Table 5.1 County: Disposition of Dismissed FY09

Apache	60	0.87%
Cochise	101	1.47%
Coconino	206	3.00%
Gila	57	0.83%
Graham	62	0.90%
Greenlee	13	0.19%
La Paz	16	0.23%
Maricopa	3,663	53.29%
Mohave	233	3.39%
Navajo	180	2.62%
Pima	1,177	17.12%
Pinal	448	6.52%
Santa Cruz	136	1.98%
Yavapai	182	2.65%
Yuma	340	4.95%
TOTAL	6,874	100.0

Table 5.2 Gender: Disposition of Dismissed FY09

Male	4,932	71.75%
Female	1,942	28.25%
TOTAL	6,874	100.0

Table 5.3 Age: Disposition of Dismissed FY09

8	4	0.06%
9	23	0.33%
10	70	1.02%
11	107	1.56%
12	198	2.88%
13	435	6.33%
14	737	10.72%
15	1,226	17.84%
16	1,537	22.36%
17	2,083	30.30%
Unknown	454	6.60%
TOTAL	6,874	100.0

Table 5.4 Ethnicity: Disposition of Dismissed FY09

Hispanic	2,562	37.27%
African American	704	10.24%
Anglo	3,055	44.44%
Native American	418	6.08%
Asian/Pacific Islander	41	0.60%
Other	20	0.29%
Unknown	74	1.08%
TOTAL	6,874	100.0

Table 5.5 Education Status: Disposition of Dismissed FY09

Enrolled	3,522	51.24%
Not Enrolled	623	9.06%
Expelled	33	0.48%
Suspended	40	0.58%
Withdrawn	69	1.00%
Graduated	42	0.61%
GED Program	14	0.20%
Unknown	2,531	36.82%
TOTAL	6,874	100.0

Table 5.6 Number of Prior Referrals: Disposition of Dismissed FY09

0	2,134	31.04%
1	1,257	18.29%
2	913	13.28%
3	615	8.95%
4	461	6.71%
5	319	4.64%
6	254	3.70%
7	212	3.08%
8 or more	709	10.31%
TOTAL	6,874	100.0

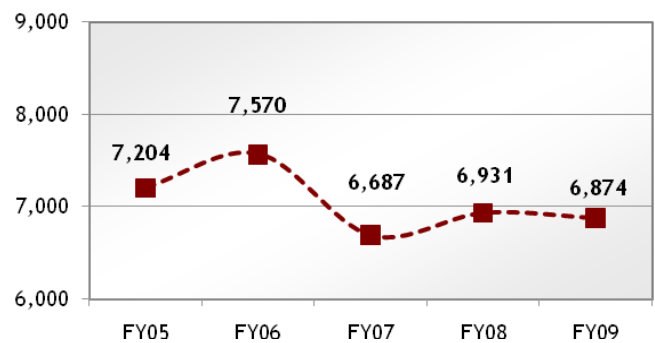
Table 5.7 Severity of Most Serious Offense: Disposition of Dismissed FY09

Felonies Against Person	299	4.35%
Felonies Against Property	604	8.79%
Obstruction of Justice: Felony & Misdemeanor	1,122	16.32%
Misdemeanors Against Person	733	10.66%
Drugs: Felony & Misdemeanor	586	8.52%
Public Peace: Felony & Misdemeanor	1,933	28.12%
Misdemeanors Against Property	933	13.57%
Status Offenses	650	9.46%
Administrative	14	0.20%
TOTAL	6,874	100.0

Table 5.8 Offense Class of Most Serious Offense: Disposition of Dismissed FY09

Felony	1,682	24.47%
Misdemeanor	3,593	52.27%
Violations of Probation & Ordinances	941	13.69%
Status	650	9.46%
Other	8	0.12%
TOTAL	6,874	100.0

Dismissed



PENALTY ONLY

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.

Table 6.1 shows the distribution of youth across the counties in Arizona. Demographic and offense specific information are also presented in subsequent tables.

Adjudicated juveniles may receive a disposition of penalty only. Penalties may include but are not limited to fines, community service work, and/or participation in various treatment programs. Juveniles with dispositions of penalty only are not assigned to a diversion program, nor are they placed on Standard Probation, JIPS, or committed to the ADJC.

Dispositions of penalty only have increased over the past year by 10.8%. Over the last five years dispositions of penalty only have remained fairly stable.

Table 6.1 County:
Disposition of Penalty Only FY09

Apache	3	0.75%
Cochise	27	6.73%
Coconino	28	6.98%
Gila	13	3.24%
Graham	8	2.00%
Greenlee	0	0.00%
La Paz	0	0.00%
Maricopa	186	46.38%
Mohave	0	0.00%
Navajo	25	6.23%
Pima	12	2.99%
Pinal	42	10.47%
Santa Cruz	22	5.49%
Yavapai	3	0.75%
Yuma	32	7.98%
TOTAL	401	100.0

Table 6.2 Gender:
Disposition of Penalty Only FY09

Male	294	73.32%
Female	107	26.68%
TOTAL	401	100.0

Table 6.3 Age: Disposition of Penalty Only FY09

8	1	0.25%
9	0	0.00%
10	1	0.25%
11	0	0.00%
12	5	1.25%
13	8	2.00%
14	25	6.23%
15	41	10.22%
16	68	16.96%
17	227	56.61%
Unknown	25	6.23%
TOTAL	401	100.0

Table 6.4 Ethnicity: Disposition of Penalty Only FY09

Hispanic	188	46.88%
African American	32	7.98%
Anglo	149	37.16%
Native American	28	6.98%
Asian/Pacific Islander	2	0.50%
Other	2	0.50%
Unknown	0	0.00%
TOTAL	401	100.0

Table 6.5 Education Status: Disposition of Penalty Only FY09

Enrolled	166	41.40%
Not Enrolled	33	8.23%
Expelled	3	0.75%
Suspended	1	0.25%
Withdrawn	2	0.50%
Graduated	9	2.24%
GED Program	4	1.00%
Unknown	183	45.64%
TOTAL	401	100.0

Table 6.6 Number of Prior Referrals: Disposition of Penalty Only FY09

0	106	26.43%
1	56	13.97%
2	45	11.22%
3	44	10.97%
4	30	7.48%
5	24	5.99%
6	19	4.74%
7	19	4.74%
8 or more	58	14.46%
TOTAL	401	100.0

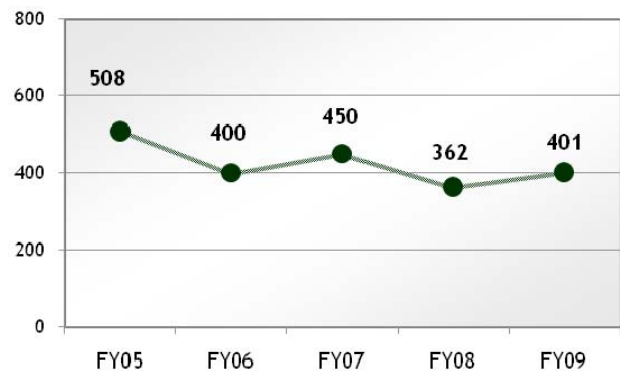
Table 6.7 Severity of Most Serious Offense: Disposition of Penalty Only FY09

Felonies Against Person	9	2.24%
Felonies Against Property	29	7.23%
Obstruction of Justice: Felony & Misdemeanor	90	22.44%
Misdemeanors Against Person	23	5.74%
Drugs: Felony & Misdemeanor	25	6.23%
Public Peace: Felony & Misdemeanor	151	37.66%
Misdemeanors Against Property	39	9.73%
Status Offenses	34	8.48%
Administrative	1	0.25%
TOTAL	401	100.0

Table 6.8 Offense Class of Most Serious Offense: Disposition of Penalty Only FY09

Felony	77	19.20%
Misdemeanor	206	51.37%
Violations of Probation & Ordinances	83	20.70%
Status	34	8.48%
Other	1	0.25%
TOTAL	401	100.0

Penalty Only



STANDARD PROBATION

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

Table 7.1 shows the distribution of youth across the counties in Arizona. Demographic and offense specific information are also presented in subsequent tables.

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, participation in 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

(continued on next page)

County	Count	Percentage
Apache	62	0.63%
Cochise	133	1.35%
Coconino	315	3.21%
Gila	125	1.27%
Graham	168	1.71%
Greenlee	30	0.31%
La Paz	20	0.20%
Maricopa	5,647	57.50%
Mohave	252	2.57%
Navajo	277	2.82%
Pima	1,350	13.75%
Pinal	429	4.37%
Santa Cruz	146	1.49%
Yavapai	356	3.62%
Yuma	511	5.20%
TOTAL	9,821	100.0

Gender	Count	Percentage
Male	7,506	76.43%
Female	2,315	23.57%
TOTAL	9,821	100.0

Age	Count	Percentage
8	1	0.01%
9	3	0.03%
10	13	0.13%
11	51	0.52%
12	205	2.09%
13	580	5.91%
14	1,172	11.93%
15	1,963	19.99%
16	2,593	26.40%
17	3,228	32.87%
Unknown	12	0.12%
TOTAL	9,821	100.0

the juvenile back to the court. The court may choose to impose more severe liberty restrictions, including detention, placement in the JIPS program or commitment to the ADJC.

In FY09, 9,821 juveniles were given a disposition of standard probation. Dispositions to standard probation have decreased by 9.6% since FY02. Over the last five years dispositions of standard probation have been fairly stable.

Table 7.4 Ethnicity: Disposition of Standard Probation FY09		
Hispanic	4,108	41.83%
African American	954	9.71%
Anglo	3,992	40.65%
Native American	605	6.16%
Asian/Pacific Islander	58	0.59%
Other	31	0.32%
Unknown	73	0.74%
TOTAL	9,821	100.0

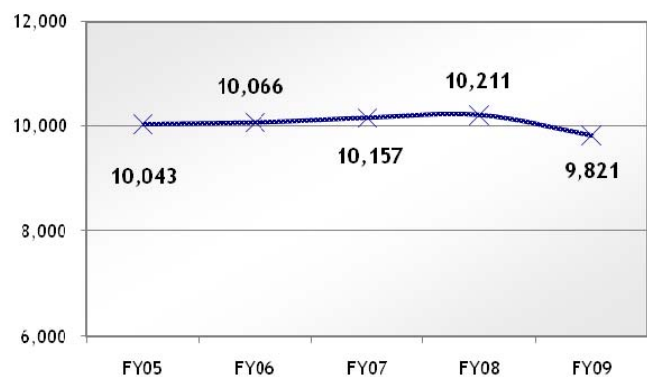
Table 7.5 Education Status: Disposition of Standard Probation FY09		
Enrolled	5,222	53.17%
Not Enrolled	1,006	10.24%
Expelled	47	0.48%
Suspended	94	0.96%
Withdrawn	140	1.43%
Graduated	80	0.81%
GED Program	9	0.09%
Unknown	3,223	32.82%
TOTAL	9,821	100.0

Table 7.6 Number of Prior Referrals: Disposition of Standard Probation FY09		
0	2,401	24.45%
1	1,915	19.50%
2	1,619	16.49%
3	1,200	12.22%
4	826	8.41%
5	520	5.29%
6	378	3.85%
7	261	2.66%
8 or more	701	7.14%
TOTAL	9,821	100.0

Table 7.7 Severity of Most Serious Offense: Disposition of Standard Probation FY09		
Felonies Against Person	822	8.37%
Felonies Against Property	1,889	19.23%
Obstruction of Justice: Felony & Misdemeanor	1,746	17.78%
Misdemeanors Against Person	800	8.15%
Drugs: Felony & Misdemeanor	1,573	16.02%
Public Peace: Felony & Misdemeanor	1,590	16.19%
Misdemeanors Against Property	1,061	10.80%
Status Offenses	197	2.01%
Administrative	143	1.46%
TOTAL	9,821	100.0

Table 7.8 Offense Class of Most Serious Offense: Disposition of Standard Probation FY09		
Felony	4,863	49.52%
Misdemeanor	3,633	36.99%
Violations of Probation & Ordinances	988	10.06%
Status	196	2.00%
Other	141	1.44%
TOTAL	9,821	100.0

Standard Probation



For FY02 through FY09 data, refer to the graphs on page 5.

JIPS

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

Table 8.1 shows the distribution of youth across the counties in Arizona. Demographic and offense specific information are also presented in subsequent tables.

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 structured programing. 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 at ADJC. Financial considerations weighed heavily in the formation of the program, as JIPS is a less costly alternative than ADJC.

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, random drug testing, 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.

Since FY 05, the number of juveniles placed on JIPS has decreased by 14.1%. This decrease compares with a decrease in the number petitions of 5.8% over the same time period.

Table 8.1 County: Disposition to JIPS FY09

Apache	6	0.32%
Cochise	90	4.82%
Coconino	67	3.58%
Gila	31	1.66%
Graham	14	0.75%
Greenlee	13	0.70%
La Paz	4	0.21%
Maricopa	737	39.43%
Mohave	96	5.14%
Navajo	51	2.73%
Pima	198	10.59%
Pinal	137	7.33%
Santa Cruz	33	1.77%
Yavapai	119	6.37%
Yuma	273	14.61%
TOTAL	1,869	100.0

Table 8.2 Gender: Disposition to JIPS FY09

Male	1,622	86.78%
Female	247	13.22%
TOTAL	1,869	100.0

Table 8.3 Age: Disposition to JIPS FY09

8	0	0.00%
9	0	0.00%
10	0	0.00%
11	6	0.32%
12	19	1.02%
13	73	3.91%
14	182	9.74%
15	349	18.67%
16	576	30.82%
17	660	35.31%
Unknown	4	0.21%
TOTAL	1,869	100.0

Table 8.4 Ethnicity: Disposition to JIPS FY09

Hispanic	936	50.08%
African American	187	10.01%
Anglo	642	34.35%
Native American	87	4.65%
Asian/Pacific Islander	15	0.80%
Other	1	0.05%
Unknown	1	0.05%
TOTAL	1,869	100.0

Table 8.5 Education Status: Disposition to JIPS FY09

Enrolled	999	53.45%
Not Enrolled	317	16.96%
Expelled	21	1.12%
Suspended	33	1.77%
Withdrawn	39	2.09%
Graduated	15	0.80%
GED Program	11	0.59%
Unknown	434	23.22%
TOTAL	1,869	100.0

Table 8.6 Number of Prior Referrals: Disposition to JIPS FY09

0	78	4.17%
1	103	5.51%
2	155	8.29%
3	192	10.27%
4	224	11.99%
5	202	10.81%
6	173	9.26%
7	156	8.35%
8 or more	586	31.35%
TOTAL	1,869	100.0

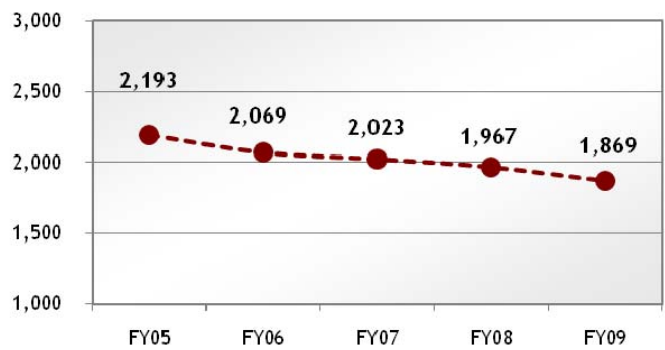
Table 8.7 Severity of Most Serious Offense: Disposition to JIPS FY09

Felonies Against Person	183	9.79%
Felonies Against Property	425	22.74%
Obstruction of Justice: Felony & Misdemeanor	849	45.43%
Misdemeanors Against Person	56	3.00%
Drugs: Felony & Misdemeanor	150	8.03%
Public Peace: Felony & Misdemeanor	131	7.01%
Misdemeanors Against Property	53	2.84%
Status Offenses	4	0.21%
Administrative	18	0.96%
TOTAL	1,869	100.0

Table 8.8 Offense Class of Most Serious Offense: Disposition to JIPS FY09

Felony	956	51.15%
Misdemeanor	319	17.07%
Violations of Probation & Ordinances	573	30.66%
Status	4	0.21%
Other	17	0.91%
TOTAL	1,869	100.0

Juvenile Intensive Probation (JIPS)



For FY02 through FY09 data, refer to the graphs on page 5.

ADJC

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.

Table 9.1 shows the distribution of youth across the counties in Arizona. Demographic and offense specific information are also presented in subsequent tables.

Disposition of a juvenile to the ADJC is governed by statute and the Arizona Code of Judicial 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 define 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.⁶

The ADJC charts in this section were produced using the traditional reporting method used in Juveniles Processed. It involves a commitment decision made on a juvenile within a county during the fiscal year. While this method of counting is useful as a workload measure of commitment, it over counts the actual number of juveniles involved. It counts juveniles who were processed through the courts during FY09 within each county.

In FY09, 848 juveniles received a judicial decision involving commitment to ADJC. This number has shown a consistent decline since a historical high of

1,670 in FY98. Over the last five years commitments to ADJC have ranged from a low of 833 (FY06) to a high of 926 (FY07). Over the last year commitments decreased by 8.2%

- 45.2% 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).
- 47.3% of the juveniles committed to ADJC had 8 or more prior referrals, suggesting that more chronic offenders are being placed in ADJC.

Table 9.1 County: Disposition to ADJC FY09

Apache	5	0.59%
Cochise	17	2.00%
Coconino	12	1.42%
Gila	7	0.83%
Graham	8	0.94%
Greenlee	0	0.00%
La Paz	1	0.12%
Maricopa	562	66.27%
Mohave	35	4.13%
Navajo	3	0.35%
Pima	80	9.43%
Pinal	31	3.66%
Santa Cruz	5	0.59%
Yavapai	21	2.48%
Yuma	61	7.19%
TOTAL	848	100.0

Table 9.2 Age: Disposition to ADJC FY09

8	0	0.00%
9	0	0.00%
10	0	0.00%
11	0	0.00%
12	0	0.00%
13	10	1.18%
14	73	8.61%
15	155	18.28%
16	275	32.43%
17	334	39.39%
Unknown	1	0.12%
TOTAL	848	100.0

Table 9.3 Gender: Disposition to ADJC FY09		
Male	762	89.86%
Female	86	10.14%
TOTAL	848	100.0

Table 9.4 Ethnicity: Disposition to ADJC FY09		
Hispanic	454	53.54%
African American	105	12.38%
Anglo	252	29.72%
Native American	32	3.77%
Asian/Pacific Islander	3	0.35%
Other	2	0.24%
Unknown	0	0.00%
TOTAL	848	100.0

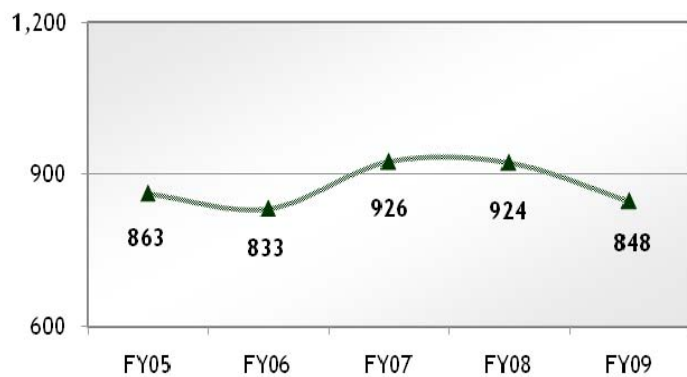
Table 9.5 Education Status: Disposition to ADJC FY09		
Enrolled	240	28.30%
Not Enrolled	133	15.68%
Expelled	12	1.42%
Suspended	8	0.94%
Withdrawn	16	1.89%
Graduated	5	0.59%
GED Program	3	0.35%
Unknown	431	50.83%
TOTAL	848	100.0

Table 9.6 Number of Prior Referrals: Disposition to ADJC FY09		
0	35	4.13%
1	33	3.89%
2	28	3.30%
3	53	6.25%
4	68	8.02%
5	80	9.43%
6	86	10.14%
7	64	7.55%
8 or more	401	47.29%
TOTAL	848	100.0

Table 9.7 Severity of Most Serious Offense: Disposition to ADJC FY09		
Felonies Against Person	129	15.21%
Felonies Against Property	140	16.51%
Obstruction of Justice: Felony & Misdemeanor	383	45.17%
Misdemeanors Against Person	34	4.01%
Drugs: Felony & Misdemeanor	62	7.31%
Public Peace: Felony & Misdemeanor	73	8.61%
Misdemeanors Against Property	27	3.18%
TOTAL	848	100.0

Table 9.8 Offense Class of Most Serious Offense: Disposition to ADJC FY08		
Felony	418	49.29%
Misdemeanor	138	16.27%
Violations of Probations & Ordinances	292	34.43%
TOTAL	848	100.0

Arizona Department of Juvenile Corrections (ADJC)



For FY02 through FY09 data, refer to the graphs on page 5.

ADJC & AOC COMPARISON

Original Commitments on a Statewide Basis

The previous section regarding ADJC is the traditional reporting method used in Juveniles Processed. It involves a commitment decision made on a juvenile within a county during the fiscal year. While this method of counting is useful as a workload measure of commitment, it over counts the actual number of juveniles involved. It counts juveniles who were processed through the courts during FY09 within each county. Thus, juveniles committed during a previous time frame or from another county are counted again during this time frame if they received a decision of recommitment or award to ADJC.

These tables illustrate the number of actual juveniles involved in the commitment decision. The most important consideration is the initial commitment and actual transfer to ADJC. These are the juveniles who become the responsibility of that department for confinement and rehabilitation purposes.

Table 10.1 shows juveniles who were committed for the first time ever during the fiscal year (original commitment) and these juveniles arrived at an ADJC facility. Subsequent commitment means that these juveniles received a commitment decision within a county but they had previously been committed from a different county.

This occurs, for example, when a juvenile is committed from Pima County and the juvenile is in a facility in Maricopa County and subsequently the juvenile is petitioned in Maricopa County that results in a commitment. The juvenile is

(continued on next page)

Juveniles Originally Committed

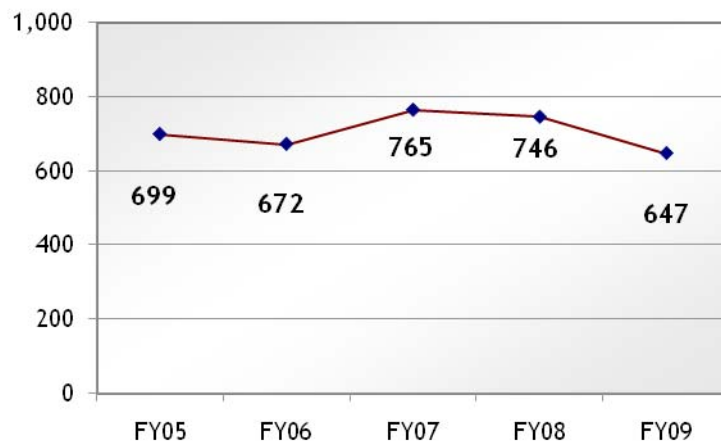


Table 10.1 Commitments FY09, 7/1/2008 – 6/30/2009

	Original Commitment	Subsequent Commitment	Never Arrived At ADJC	TOTAL
Apache	5	0	0	5
Cochise	15	2	0	17
Coconino	11	1	0	12
Gila	7	0	0	7
Graham	7	1	0	8
Greenlee	0	0	0	0
La Paz	1	0	0	1
Maricopa	412	135	15	562
Mohave	28	7	0	35
Navajo	2	1	0	3
Pima	56	22	2	80
Pinal	27	4	0	31
Santa Cruz	5	0	0	5
Yavapai	17	4	0	21
Yuma	54	6	1	61
TOTAL	647	183	18	848

counted as a new commitment from the second county due to the JOLTS system recording data on a county basis.

Subsequent commitment can also mean that a juvenile was committed in a prior fiscal year and received a disposition of commitment or award to ADJC during FY09.

The last column, (Never Arrived at ADJC), are juveniles who received an original decision of commitment but they either turned 18 within a detention center and were therefore never transported to an ADJC facility or they were being processed in an adult court at the time of commitment and were placed in adult confinement (jail or correctional facility).

The last group would never show as committed by ADJC as they never arrived at one of their facilities. ADJC has the ability to count "re-commitments", a juvenile who is committed, discharged from ADJC and then receives another commitment. Those juveniles, few in number, are not reflected in these charts.

In FY09 the number of original commitments is 647. That is 99 fewer original juveniles being committed to ADJC than FY08 representing a 13.3% decrease from the previous fiscal year.

Charts for fiscal years 2007 through 2009 are provided.

It is with gratitude to ADJC that this current information is available. By using the ADJC juvenile identifier, we were able to track duplicates in the JOLTS system.

Table 10.2 Commitments FY08, 7/1/2007- 6/30/2008

	Original Commitment	Subsequent Commitment	Never Arrived At ADJC	TOTAL
Apache	7	1	0	8
Cochise	9	4	0	13
Coconino	15	4	0	19
Gila	9	0	0	9
Graham	10	4	0	14
Greenlee	0	1	0	1
La Paz	1	0	0	1
Maricopa	422	124	5	551
Mohave	42	3	0	45
Navajo	3	1	0	4
Pima	83	19	2	104
Pinal	40	3	0	43
Santa Cruz	8	0	0	8
Yavapai	24	3	0	27
Yuma	73	4	0	77
TOTAL	746	171	7	924

Table 10.3 Commitments FY07, 7/1/2006 - 6/30/2007

	Original Commitment	Subsequent Commitment	Never Arrived At ADJC	TOTAL
Apache	5	0	0	5
Cochise	17	2	0	19
Coconino	12	4	0	16
Gila	5	1	0	6
Graham	16	0	0	16
Greenlee	0	0	0	0
La Paz	2	0	0	2
Maricopa	444	114	4	562
Mohave	55	1	0	56
Navajo	11	0	0	11
Pima	103	25	0	128
Pinal	27	4	0	31
Santa Cruz	8	0	0	8
Yavapai	25	4	0	29
Yuma	35	2	0	37
TOTAL	765	157	4	926

DIRECT FILED & TRANSFERRED

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:

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 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

Table 11.1 Pathways for Juveniles Filed in Adult Court FY09

Pathways	Number of Juveniles	% of Total
Mandatory	245	40.10%
Mandatory Prior Conviction	25	4.09%
Chronic	72	11.78%
Discretionary	224	36.66%
Transfer	45	7.36%
TOTAL	*611	100.0

Table 11.2 County: Direct Filed in and Transferred to Adult Court FY09

Apache	0	0.00%
Cochise	1	0.16%
Coconino	5	0.82%
Gila	1	0.16%
Graham	0	0.00%
Greenlee	1	0.16%
La Paz	1	0.16%
Maricopa	415	67.92%
Mohave	6	0.98%
Navajo	0	0.00%
Pima	114	18.66%
Pinal	18	2.95%
Santa Cruz	4	0.65%
Yavapai	12	1.96%
Yuma	33	5.40%
TOTAL	*611	100.0

¹The 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.

Table 11.3 shows the distribution of youth across the counties in Arizona. Demographic and offense specific information are also presented in subsequent tables.

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 14 year old juveniles accused of the offenses enumerated above. Criminal prosecution may also be brought against juveniles 14 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.

A legislative change creating the direct file process became effective in 1997. The result has been a reduction in the transfer decision.

An historic high occurred in the direct file process in FY99 when 804 juveniles were sent to adult court in this manner.

A general decline in that number had taken place through FY04. A gradual increase has taken place over the last 5 years.

Table 11.3 County: Juveniles Direct Filed in Adult Court FY09

Apache	0	0.00%
Cochise	0	0.00%
Coconino	5	0.88%
Gila	1	0.18%
Graham	0	0.00%
Greenlee	0	0.00%
La Paz	0	0.00%
Maricopa	393	69.43%
Mohave	4	0.71%
Navajo	0	0.00%
Pima	112	19.79%
Pinal	18	3.18%
Santa Cruz	4	0.71%
Yavapai	0	0.00%
Yuma	29	5.12%
TOTAL	566	100.0

Table 11.4 Gender: Juveniles Direct Filed FY09

Male	525	92.76%
Female	41	7.24%
TOTAL	566	100.0

Table 11.5 Age: Juveniles Direct Filed FY09

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	14	2.47%
15	59	10.42%
16	157	27.74%
17	328	57.95%
Unknown	8	1.41%
TOTAL	566	100.0

Table 11.6 Ethnicity: Juveniles Direct Filed FY09		
Hispanic	334	59.01%
African American	100	17.67%
Anglo	102	18.02%
Native American	17	3.00%
Asian/Pacific Islander	3	0.53%
Other	1	0.18%
Unknown	9	1.59%
TOTAL	566	100.0

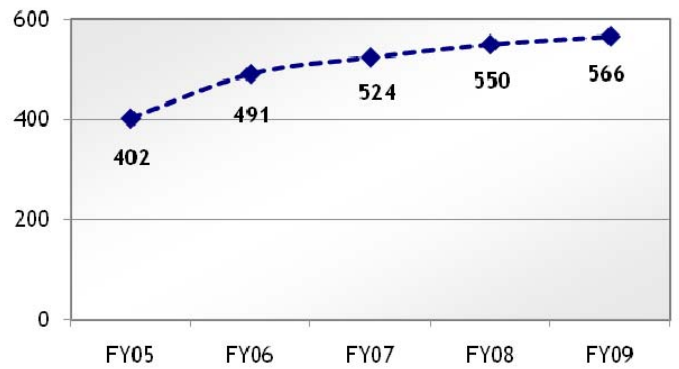
Table 11.7 Education Status: Juveniles Direct Filed FY09		
Enrolled	140	24.73%
Not Enrolled	84	14.84%
Expelled	3	0.53%
Suspended	3	0.53%
Withdrawn	7	1.24%
Graduated	3	0.53%
GED Program	2	0.35%
Unknown	324	57.24%
TOTAL	566	100.0

Table 11.8 Number of Prior Referrals: Juveniles Direct Filed FY09		
0	91	16.08%
1	69	12.19%
2	57	10.07%
3	55	9.72%
4	46	8.13%
5	42	7.42%
6	39	6.89%
7	23	4.06%
8 or more	144	25.44%
TOTAL	566	100.0

Table 11.9 Severity of Most Serious Offense: Juveniles Direct Filed FY09		
Felonies Against Person	368	65.02%
Felonies Against Property	123	21.73%
Obstruction of Justice: Felony & Misdemeanor	1	0.18%
Misdemeanors Against Person	3	0.53%
Drugs: Felony & Misdemeanor	38	6.71%
Public Peace: Felony & Misdemeanor	28	4.95%
Misdemeanors Against Property	5	0.88%
TOTAL	566	100.0

Table 11.10 Offense Class of Most Serious Offense: Juveniles Direct Filed FY09		
Felony	554	97.88%
Misdemeanor	12	2.12%
TOTAL	566	100.0

Direct Filed to Adult Court



For FY02 through FY09 data, refer to the graphs on page 5.

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 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 a juvenile 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.

Table 11.11 County: Juveniles Transferred to Adult Court FY09

Apache	0	0.00%
Cochise	1	2.22%
Coconino	0	0.00%
Gila	0	0.00%
Graham	0	0.00%
Greenlee	1	2.22%
La Paz	1	2.22%
Maricopa	22	48.89%
Mohave	2	4.44%
Navajo	0	0.00%
Pima	2	4.44%
Pinal	0	0.00%
Santa Cruz	0	0.00%
Yavapai	12	26.67%
Yuma	4	8.89%
TOTAL	45	100.0

In FY09 transfers have declined 18.2% from FY08 which is a consistent trend over the last 5 years.

Overall, the direct filing process accounts for approximately 9.2 out of every 10 juveniles being prosecuted in adult court.

Table 11.12 Age: Juveniles Transferred FY09

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	1	2.22%
15	1	2.22%
16	2	4.44%
17	40	88.89%
Unknown	1	2.22%
TOTAL	45	100.0

Table 11.13 Gender: Juveniles Transferred FY09

Male	42	93.33%
Female	3	6.67%
TOTAL	45	100.0

Table 11.14 Ethnicity: Juveniles Transferred FY09

Hispanic	21	46.67%
African American	6	13.33%
Anglo	16	35.56%
Native American	2	4.44%
Asian/Pacific Islander	0	0.00%
Other	0	0.00%
Unknown	0	0.00%
TOTAL	45	100.0

Table 11.15 Education Status: Juveniles Transferred FY09

Enrolled	12	26.67%
Not Enrolled	5	11.11%
Expelled	1	2.22%
Suspended	1	2.22%
Withdrawn	0	0.00%
Graduated	0	0.00%
GED Program	2	4.44%
Unknown	24	53.33%
TOTAL	45	100.0

Table 11.16 Number of Prior Referrals: Juveniles Transferred FY09

0	7	15.56%
1	3	6.67%
2	2	4.44%
3	2	4.44%
4	5	11.11%
5	2	4.44%
6	2	4.44%
7	6	13.33%
8 or more	16	35.56%
TOTAL	45	100.0

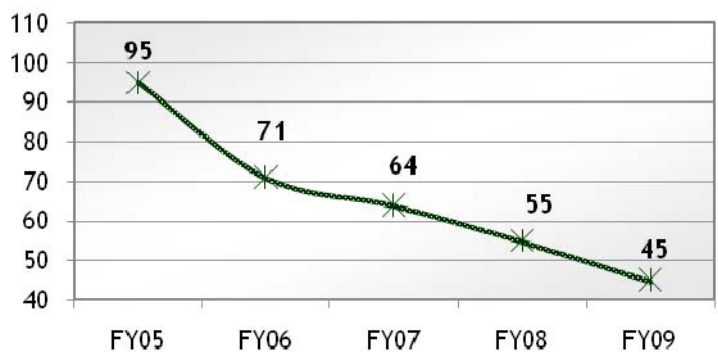
Table 11.17 Severity of Most Serious Offense: Juveniles Transferred FY09

Felonies Against Person	14	31.11%
Felonies Against Property	16	35.56%
Obstruction of Justice: Felony & Misdemeanor	2	4.44%
Misdemeanors Against Person	0	0.00%
Drugs: Felony & Misdemeanor	3	6.67%
Public Peace: Felony & Misdemeanor	9	20.00%
Misdemeanors Against Property	1	2.22%
Status Offenses	0	0.00%
Citations/Administrative	0	0.00%
TOTAL	45	100.0

Table 11.18 Offense Class of Most Serious Offense: Juveniles Transferred FY09

Felony	43	95.56%
Misdemeanor	2	4.44%
Administrative	0	0.00%
TOTAL	45	100.0

Juveniles Transferred to Adult Court



For FY02 through FY09 data, refer to the graphs on page 5.

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GENDER

JUVENILES REFERRED IN FY09

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 males and females in Arizona's juvenile justice system. Information is provided on referrals, age at first referral, offense severity, and proportions of males and females at each stage in the juvenile justice system, and treatment received in FY09. This was first published in *Juveniles Processed FY04* and is replicated again 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), females' arrests have been increasing in most categories faster than males' arrests. In Arizona, the proportions have held fairly constant over the last 5 years.

Traditionally, males have been seen as committing more delinquent and serious offenses than females. The proportions of males and females in the Arizona juvenile justice system confirm this view. The following charts indicate that males continue to account for a large proportion of offenses.

Table 12.1 Percentage of Each Gender at Stages in the Juvenile Justice System FY09

	Female	Male
Referral	33.98%	66.01%
Detention	21.81%	78.19%
Diversion	40.22%	59.77%
Petitioned	24.12%	75.87%
Dismissed	28.25%	71.75%
Penalty Only	26.68%	73.32%
Standard Probation	23.57%	76.42%
JIPS	13.22%	86.78%
ADJC	10.18%	89.82%
Direct Filed	7.24%	92.76%
Transferred	6.67%	93.33%

Average Age

For the juveniles referred in FY09, females entered the juvenile justice system for the first time at the same age as males (average age of 14.3 for females compared to 14 for males). This is consistent for several years.

Offense Severity and Type

Females and males differ in the distribution of their referral offenses. Three offense categories make up more than two-thirds of female referrals: public peace (24.7%); status (21.6%); and misdemeanors against property (24.3%). On the other hand, apart from public peace offenses (25.7%), males' referral offenses are more equally distributed across severity categories.

Misdemeanors make up the largest proportion of offenses for both males and females. Over the last five years, however, felonies have consistently made up a greater percentage of the total referral offenses for males than for females. Since FY05 the proportion of both gender's felonies have remained fairly stable. The female proportions have a range from 15.6% in FY09 to 18.1% in FY05, while male proportions have a range from 35.1% in FY05 to 37.5% in FY08.

Table 12.2 Average Age at First Referral FY09

	Age	#
Female	14.34	15,616
Male	14.02	30,339
<i>TOTAL</i>		45,955

Table 12.3 Severity of Most Serious Referral Offense: Percentage By Gender FY09

	Female	Male
Felonies Against Person	2.2%	6.7%
Felonies Against Property	3.9%	11.9%
Obstruction of Justice: Fel. & Misd.	5.6%	9.1%
Misdemeanors Against Person	9.6%	8.6%
Drugs: Fel. & Misd.	7.4%	14.0%
Public Peace: Fel. & Misd.	24.7%	25.3%
Misdemeanors Against Property	24.3%	12.7%
Status Offenses	21.6%	11.0%
Administrative	0.7%	0.7%
<i>TOTAL</i>	100.0	100.0

Table 12.4 Offense Type of Most Serious Referral Offense: Percentage By Gender FY2005 to FY2009

	Female	Male
Felony		
2005	3,052 (18.1%)	11,087 (35.1%)
2006	2,888 (17.7%)	11,327 (35.3%)
2007	2,825 (17.4%)	11,733 (36.2%)
2008	2,504 (15.8%)	11,591 (37.5%)
2009	2,436 (15.6%)	11,279 (37.1%)
Misdemeanor		
2005	9,016 (53.5%)	14,528 (46.0%)
2006	8,295 (50.8%)	14,519 (45.3%)
2007	8,448 (52.0%)	14,574 (44.9%)
2008	8,991 (56.8%)	13,892 (45.0%)
2009	9,290 (59.4%)	14,177 (46.6%)

Table 12.5 Juveniles Referred in FY09 Who Received Treatment (Tx) in FY09

	Total Referred	Rec'd Tx	%
Female	15,616	3,514	22.5%
Male	30,339	8,670	28.5%
TOTAL	45,955	12,184	26.5%

Table 12.6 FY09 Treatment Expenditures by Category Percentage of Total Dollars Spent

	% Female	% Male
Ancillary Services	3.5%	5.3%
Behavioral Support Service	0.5%	0.8%
Competency Restoration	0.9%	1.2%
Delinquency Prevention	11.4%	5.0%
Evaluation and Diagnosis	7.8%	9.3%
Foster Home	0.3%	0.0%
Functional Family Therapy	0.8%	0.5%
Out-of-Home	57.7%	39.9%
Outpatient	7.5%	7.7%
R.A.F.T.	0.1%	0.1%
Sex Offender	3.1%	22.8%
Substance Abuse	6.4%	7.6%
TOTAL	100.0%	100.0%
TOTAL EXPENDITURE	\$2,576,794.16	\$9,271,598.10

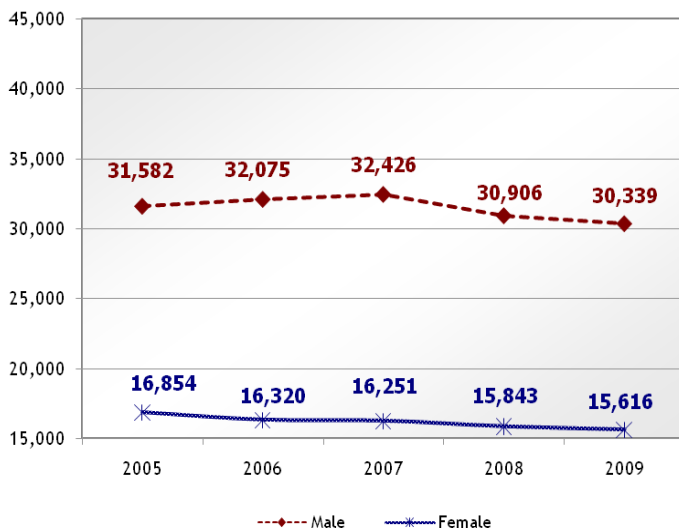
Treatment Received

Of the 15,616 females referred in FY09, 22.5% received treatment services during the year compared to 28.5% of the males.

On average, \$733.29 was spent on treatment for females and \$1,069.38 was spent on males through the Juveniles Probation Services Fund (JPSF).

The largest allocation of treatment monies for both males (39.9%) and females (57.7%) was for "out of home" services (residential, group homes, detention alternatives, etc.). The second largest amount of money spent on males was for sex offender treatment (22.8%) and for females it was delinquency prevention (11.4%).

Referrals by Gender



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NOTES

JUVENILES PROCESSED FY09

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 Filed in Adult Court FY09" and "County: Direct Filed and Transferred to Adult Court FY09". 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. 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.

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

3. 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 from 2000 and 2005 with population estimates and age projections completed by the National Center for Juvenile Justice.

4. 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-Simple** offenses are typically misdemeanor assault offenses which may include simple assault, facilitation and solicitation of assault.
 - c. **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.
 - d. **Disorderly Conduct** offenses are felony and misdemeanors which may involve disturbing the peace, unlawful assembly, and disorderly conduct with a weapon.
 - e. **Drug Paraphernalia** offenses involve juveniles who have been charged with possession of drug paraphernalia.
 - 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.

5. 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. §28-1281, §28-1382, §28-1383 (DUI) or violated Title 13, Chapter 34 (Purchase, possession, or consumption of alcohol/drugs) and the juvenile has previously participated in a community based alternative program or a diversion program or a diversion program administered by the juvenile court at least two times within twenty four months 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.
6. 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.

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.

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

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