

Juveniles Processed *in the* Arizona Court System

FY 2010



JULY 1, 2009 - JUNE 30, 2010

ADMINISTRATIVE OFFICE OF THE COURTS
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INTRODUCTION & TRENDS

This is the seventeenth publication of *Juveniles Processed in the Arizona Court System*. The 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 which has been operational statewide for more than seventeen years. After using JOLTS for more than 25 years, July 1, 2008, Maricopa County upgraded to their new Integrated Court Information System (iCIS). Data from both JOLTS and iCIS were extracted on August 28th 2010. 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 2010 (FY10), July 1, 2009 - June 30, 2010. 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 using 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

Be aware that juveniles may have entered the system in a previous fiscal year but did not experience processing at a particular stage until this fiscal year. Data are not following the same juveniles through each stage; rather they are describing the juveniles who experienced a particular stage during FY10. 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 FY10 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 juvenile's age eight to seventeen years old in Arizona's population. Throughout 2010, the juvenile population continues 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 decrease in juvenile offense activity in spite of a very large increase in juvenile population. The population of juveniles between the ages of eight to seventeen has increased over 23% from FY03 through FY10. 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 FY10* 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 chart demonstrates the amount of workload generated by these juveniles at each stage.

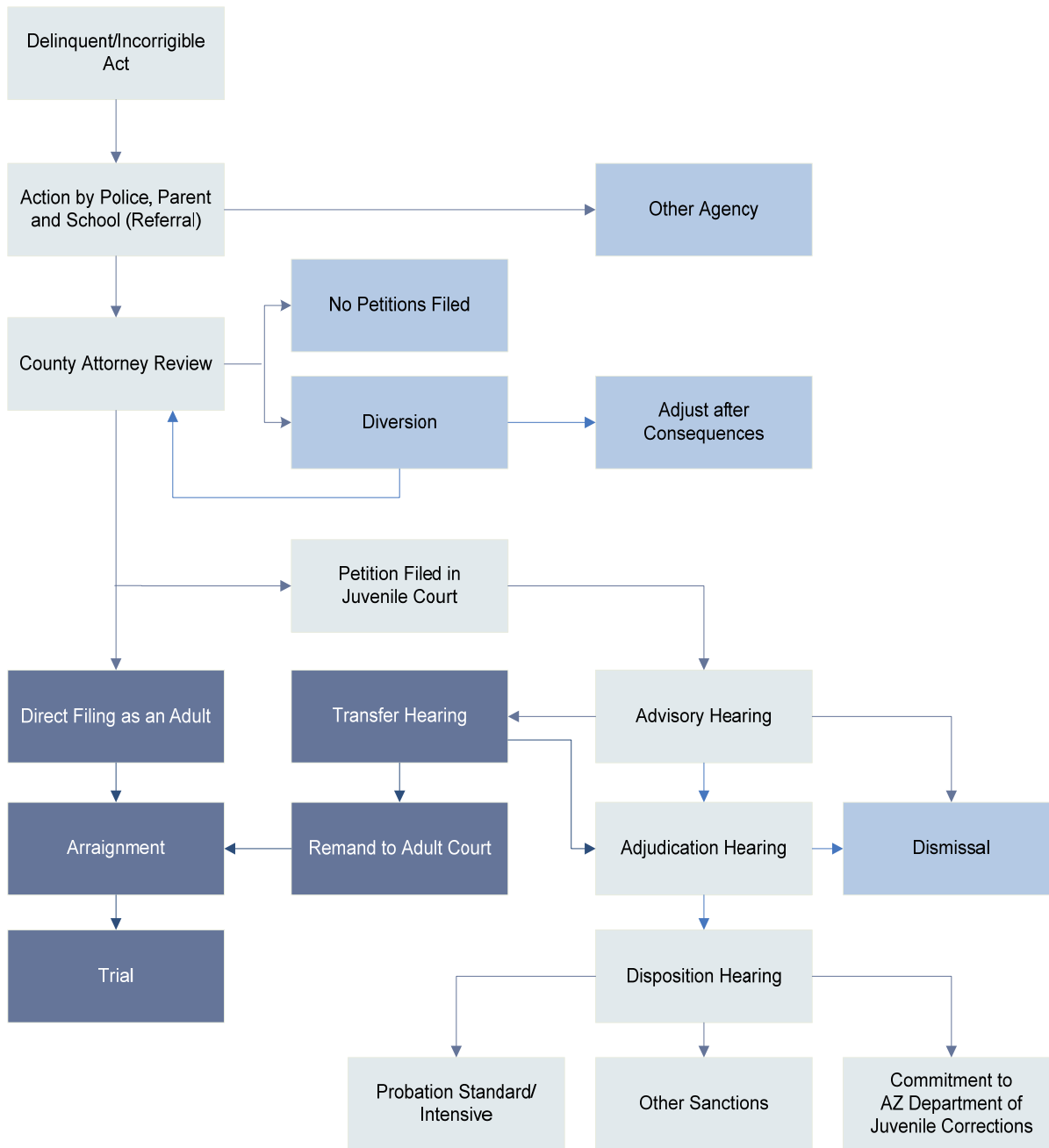
Graphs included in the Introduction and Trends section illustrate trends since FY03. The first series of graphs shows data on referrals, juveniles referred, petitions filed and juveniles with petitions

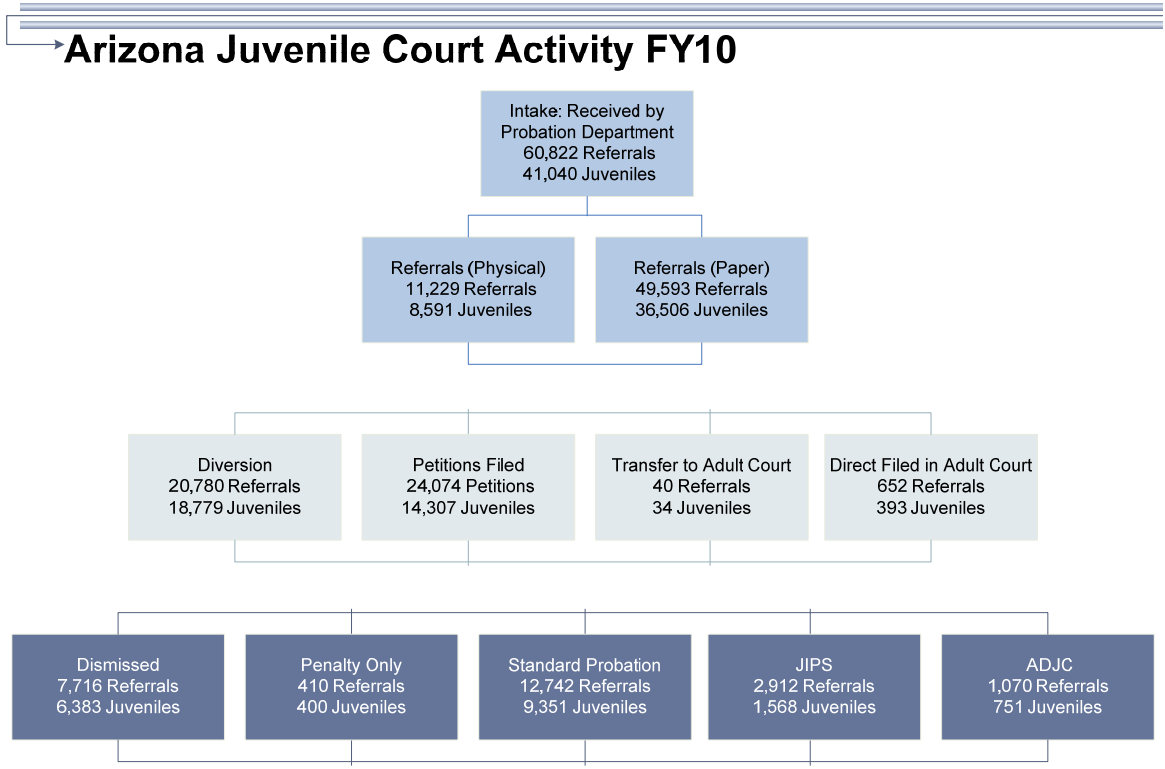
filed. The “referrals” figure includes the number of referrals for the year. The “juveniles referred” figure, on the other hand, shows the number of unique youth. The same distinction is made between petitions filed (includes counts of multiple petitions per youth) and juveniles with petitions filed (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; however, 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 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 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 FY10 and are all available on the Arizona Supreme Court, Juvenile Justice Services Division (JJSD) website at <http://www.azcourts.gov/jjssd>.

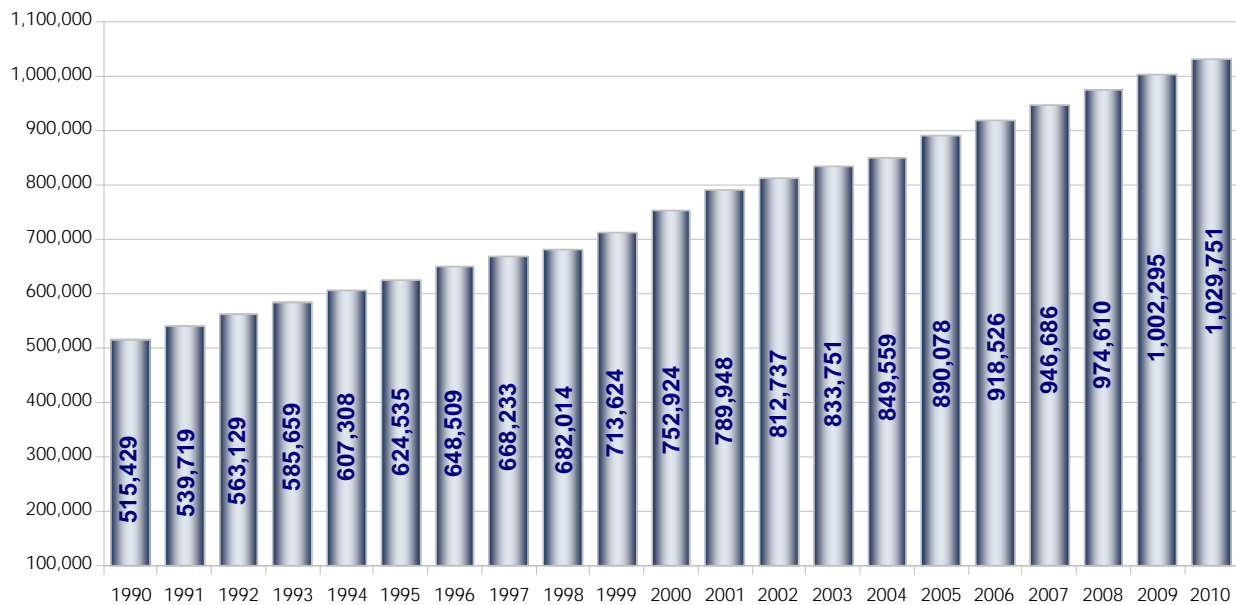
Juvenile Justice Flowchart





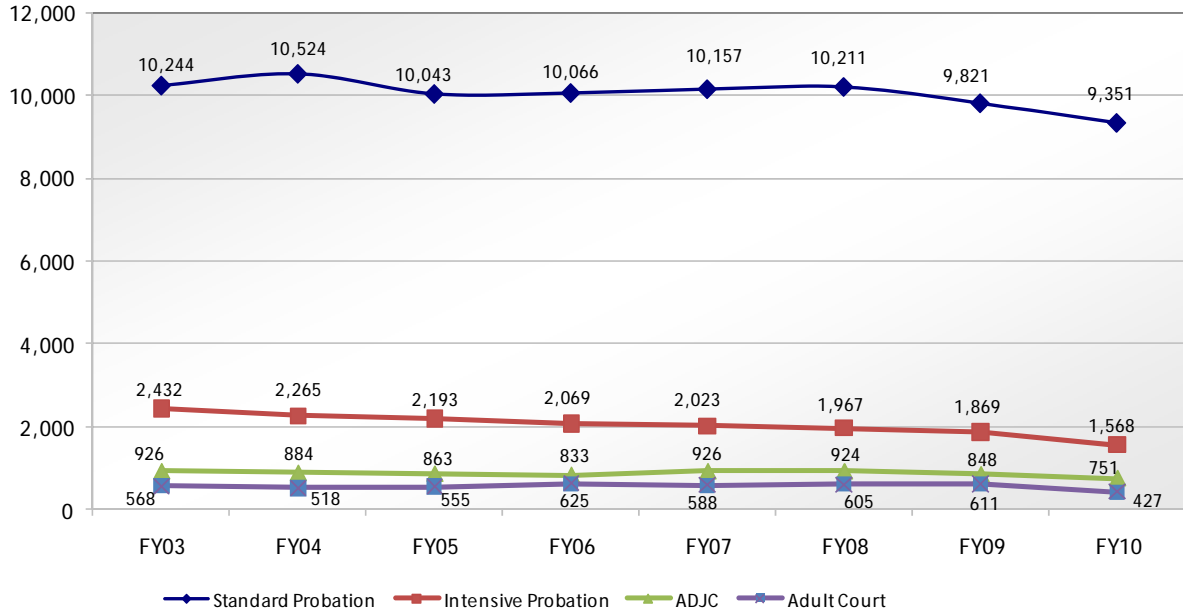
Data Source: Arizona Supreme Court, Administrative Office of the Courts, Juvenile Justice Services Division; Fifteen Juvenile Courts' Juvenile On-Line Tracking System (JOLTS), July 01, 2009 to June 30, 2010

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

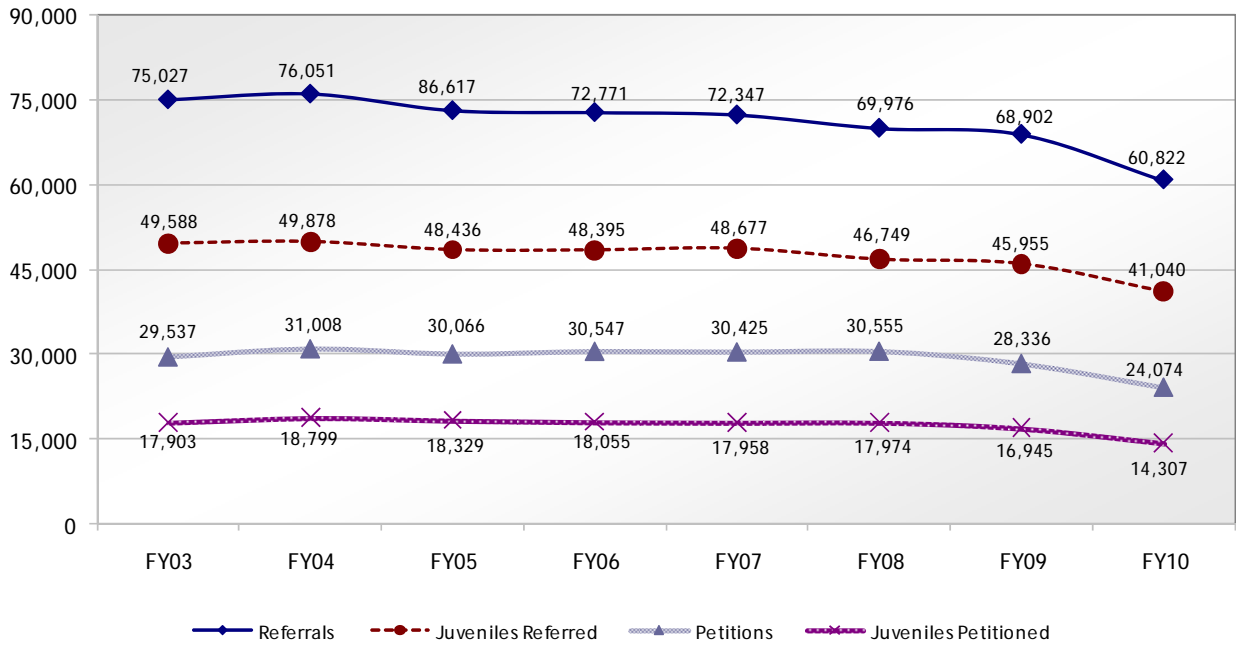


1995 - 1999 Population Estimates: Arizona Department of Economic Security, Research Administration, Population Statistics Unit
 2000 Population Estimate: US Census Bureau, Single Age Estimates
 2001 - 2004 Population Projections: Constructed using Linear Regression Model by AOC/JJSD
 2005 - 2010 Population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

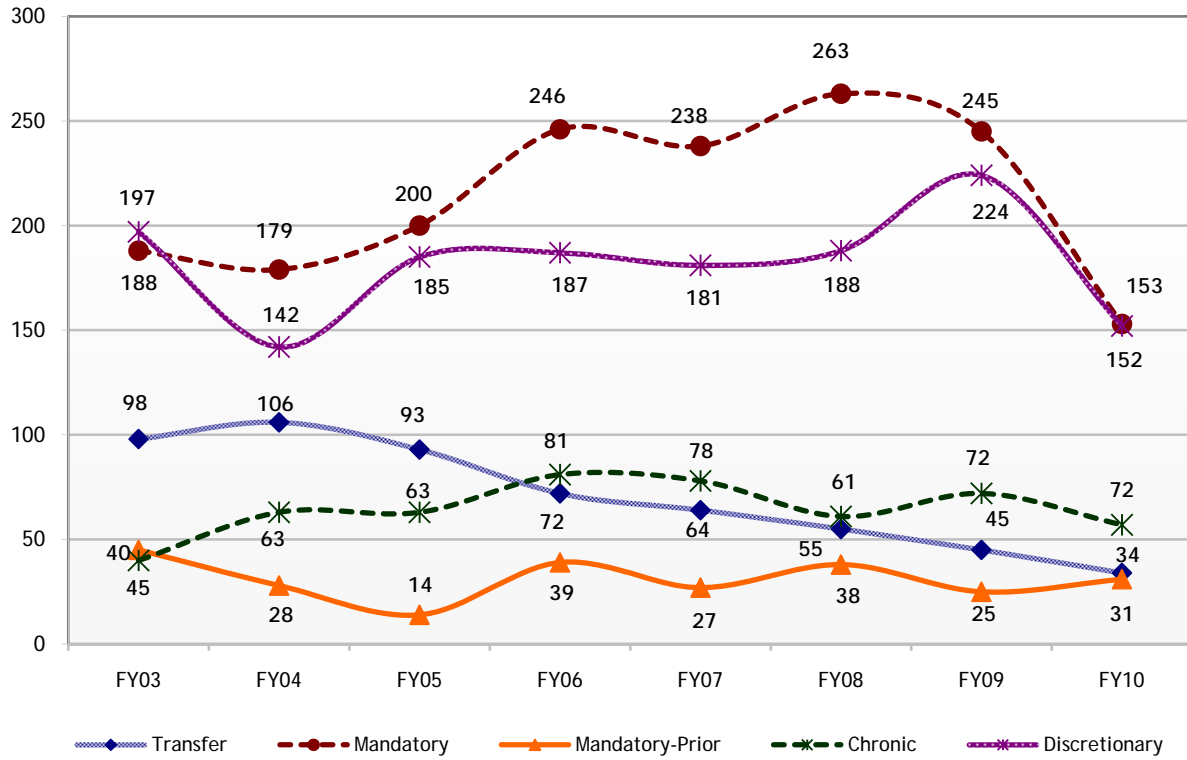
The Number of Juveniles Dispositioned to Probation, Intensive Probation, ADJC and Adult Court - Fiscal Years 2003 - 2010



Referrals, Petitions Filed and Juveniles Referred and Petitioned Fiscal Years 2003- 2010



Pathways for Juveniles Transferred and/or Direct Filed in Adult Court Fiscal Years 2002 - 2010¹



JUVENILES REFERRED

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 counties in Arizona. Demographic and offense specific information are presented in subsequent tables.

This section on juveniles referred to the Arizona Superior Court system reflects the characteristics of those juveniles, ages eight through seventeen, who came in contact with the system in FY10. The juveniles counted are those who had a report 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 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 2010, there were approximately 1,029,751 juveniles ages eight to seventeen in Arizona. From July 1, 2009 to June 31, 2010, 4.6% of these juveniles (41,040) were referred at least once to Arizona's juvenile courts. This represents about 1 in every 25.6 juveniles. These 41,040 juveniles generated 60,822 referrals, an average of 1.5 referrals per juvenile.

County	Count	Percentage
Apache	163	0.40%
Cochise	1,141	2.78%
Coconino	1,000	2.44%
Gila	532	1.30%
Graham	313	0.76%
Greenlee	82	0.20%
La Paz	154	0.38%
Maricopa	21,546	52.50%
Mohave	1,638	3.99%
Navajo	789	1.92%
Pima	7,686	18.73%
Pinal	1,851	4.51%
Santa Cruz	607	1.48%
Yavapai	1,595	3.89%
Yuma	1,943	4.73%
TOTAL	41,040	100.0

Gender	Count	Percentage
Male	27,004	65.80%
Female	14,036	34.20%
TOTAL	41,040	100.0

Age	Count	Percentage
8	111	0.27%
9	222	0.54%
10	373	0.91%
11	758	1.85%
12	1,590	3.87%
13	3,199	7.79%
14	5,414	13.19%
15	7,890	19.23%
16	9,427	22.97%
17	11,743	28.61%
Unknown	313	0.76%
TOTAL	41,040	100.0

Table 1.4 Ethnicity: Juveniles Referred FY10		
Hispanic	16,373	39.90%
African American	3,622	8.83%
Anglo	17,816	43.40%
Native American	2,139	5.21%
Asian/Pacific Islander	316	0.77%
Other	121	0.29%
Unknown	653	1.60%
TOTAL	41,040	100.0

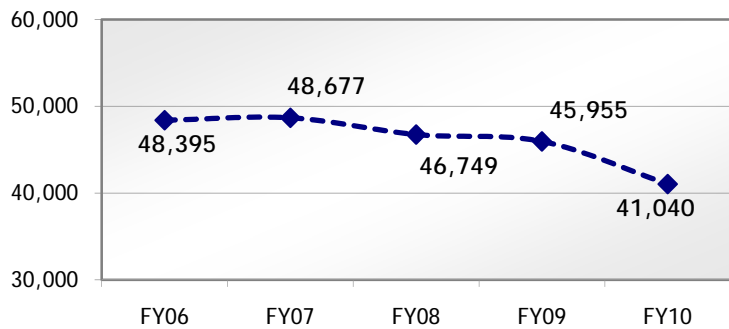
Table 1.5 Education Status: Juveniles Referred FY10		
Enrolled	23,456	57.15%
Not Enrolled	1,727	4.21%
Expelled	97	0.24%
Suspended	138	0.34%
Withdrawn	237	0.58%
Graduated	217	0.53%
GED Program	29	0.07%
Unknown	15,139	36.89%
TOTAL	41,040	100.0

Table 1.6 Number of Prior Referrals: Juveniles Referred FY10		
0	20,572	50.13%
1	7,442	18.13%
2	3,828	9.33%
3	2,369	5.77%
4	1,559	3.80%
5	1,180	2.88%
6	896	2.18%
7	641	1.56%
8 or more	2,553	6.22%
TOTAL	41,040	100.0

Table 1.7 Severity of Most Serious Offense: Juveniles Referred FY10		
Felonies Against Person	1,913	4.66%
Felonies Against Property	3,140	7.65%
Obstruction of Justice: Felony & Misdemeanor	3,564	8.68%
Misdemeanors Against Person	3,821	9.31%
Drugs: Felony & Misdemeanor	5,167	12.59%
Public Peace: Felony & Misdemeanor	10,346	25.21%
Misdemeanors Against Property	7,173	17.48%
Status Offenses	5,584	13.61%
Administrative	332	0.81%
TOTAL	41,040	100.0

Table 1.8 Offense Class of Most Serious Offense: Juveniles Referred FY10		
Felony	11,748	28.63%
Misdemeanor	21,713	52.91%
Violations of Probation & Ordinances	1,663	4.05%
Status	5,584	13.61%
Other	332	0.81%
TOTAL	41,040	100.0

Juveniles Referred



For FY03 through FY10 data, refer to the graphs on page 5.

Table 1.9 Top Ten Referral Categories FY10		
Shoplifting - Misd	6,734	11.07%
Probation Violation	6,118	10.06%
Alcohol	4,318	7.10%
Runaway	3,702	6.09%
Curfew	3,557	5.85%
Disorderly Conduct	3,053	5.02%
Marijuana Possession	2,985	4.91%
Truancy	2,588	4.26%
Drug Paraphernalia	2,282	3.75%
Assault – Simple	1,947	3.20%
<i>TOTAL TOP TEN REFERRALS</i>	37,284	61.30%
<i>TOTAL ALL REFERRALS</i>	60,822	100.0%

In FY10, shoplifting-misdemeanor was the most common referral, followed closely by probation violation. This suggests Arizona's juvenile probation departments are holding juveniles accountable.

Over the past five years, there is little change in the categories of the top ten offenses. Explanations of the categories can be found in the Notes section.⁴

Table 1.10 Top Ten Referral Categories for Previous Fiscal Years			
FY2006	FY2007	FY2008	FY2009
Probation Violation 6,169	Probation Violation 7,055	Probation Violation 6,628	Shoplifting - Misd 7,308
Truancy 5,947	Truancy 5,505	Shoplifting - Misd 6,323	Probation Violation 6,362
Shoplifting – Misd 4,984	Shoplifting – Misd 5,136	Truancy 4,394	Runaway 4,556
Runaway 4,556	Curfew 4,206	Runaway 4,242	Curfew 4,131
Curfew 3,952	Runaway 4,136	Curfew 3,881	Alcohol 3,980
Marijuana Possession 3,704	Marijuana Possession 3,746	Alcohol 3,259	Marijuana Possession 3,296
Alcohol 3,348	Alcohol 3,366	Marijuana Possession 3,108	Truancy 3,275
Assault – Simple 2,550	Assault -Simple 2,403	Drug Paraphernalia 2,492	Drug Paraphernalia 2,362
Disorderly Conduct 2,504	Disorderly Conduct 2,243	Disorderly Conduct 2,373	Disorderly Conduct 2,326
Assault – Domestic Violence 2,017	Assault – Domestic Violence 1,792	Assault-Simple 2,064	Assault-Simple 2,100

Cells indicate the number of referrals for each offense.

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JUVENILES DETAINED

Information presented in this section characterizes individual youth (unduplicated). For youth who were detained more than once during the fiscal year, information from their 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 presented in subsequent tables.

Juvenile detention is the temporary and secure custody of juveniles under the jurisdiction of the juvenile court requiring a restricted environment for their own protection and/or the safety of the community. Responsibility for maintaining a juvenile detention center 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. Probable cause to believe the juvenile committed acts alleged in the petition, and reasonable cause to believe:
 - a. The juvenile would not be present at any hearing;
 - b. Juvenile is likely to commit an offense injurious to himself or others;
 - c. Juvenile must be held for another jurisdiction;
 - d. Juvenile interests or the public require custodial protection.
2. As a condition of probation.

Thirteen of the fifteen counties in Arizona maintain juvenile secure care facilities. Juveniles from two counties are transported to other jurisdictions when the need for secure custody is determined. These juveniles appear in the originating county's data as

well as in the data of the county where 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	86	0.90%
Cochise	209	2.20%
Coconino	210	2.21%
Gila	138	1.45%
Graham	113	1.19%
Greenlee	16	0.17%
La Paz	12	0.13%
Maricopa	4,809	50.52%
Mohave	402	4.22%
Navajo	204	2.14%
Pima	1,080	11.35%
Pinal	800	8.40%
Santa Cruz	173	1.82%
Yavapai	534	5.61%
Yuma	733	7.70%
TOTAL	9,519	100.0

In FY10, 9,519 juveniles were detained at least once. Only 6,243 (65.5%) of these juveniles were detained as a result of a referral; the others were detained as a result of court holds, warrants, probation consequences, or for another jurisdiction.

- The 6,243 juveniles that were detained on a referral (physical referral) represent 15.2% of the juveniles referred to the juvenile court in FY10.
- Over the past few years, juveniles detained have decreased from a high of 13,660 in FY03 to the low of 9,519 this year in spite of increased populations.

Gender	Count	Percentage
Male	7,372	77.45%
Female	2,147	22.55%
TOTAL	9,519	100.0

Table 2.3 Age: Juveniles Detained FY10		
8	1	0.01%
9	9	0.09%
10	28	0.29%
11	73	0.77%
12	194	2.04%
13	484	5.08%
14	1,006	10.57%
15	1,796	18.87%
16	2,483	26.08%
17	3,395	35.67%
Unknown	50	0.53%
TOTAL	9,519	100.0

Table 2.4 Ethnicity: Juveniles Detained FY10		
Hispanic	4,224	45.57%
African American	1,091	10.37%
Anglo	3,434	35.57%
Native American	644	6.68%
Asian/Pacific Islander	49	0.48%
Other	28	0.33%
Unknown	49	0.99%
TOTAL	9,519	100.0

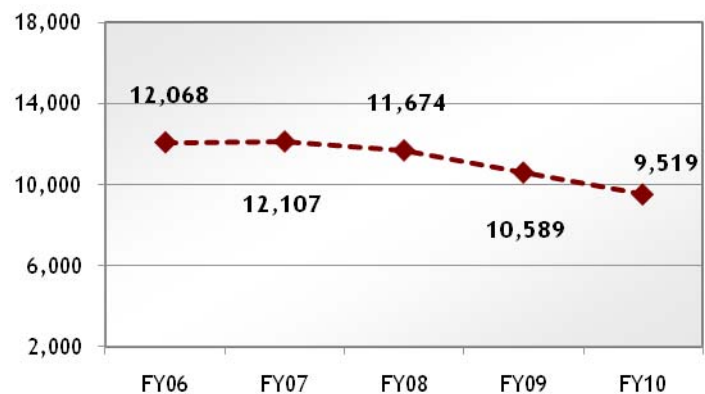
Table 2.5 Education Status: Juveniles Detained FY10		
Enrolled	3,259	34.24%
Not Enrolled	653	6.86%
Expelled	31	0.33%
Suspended	57	0.60%
Withdrawn	102	1.07%
Graduated	52	0.55%
GED Program	18	0.19%
Unknown	5,347	56.17%
TOTAL	9,519	100.0

Table 2.6 Number of Prior Referrals: Juveniles Detained FY10		
0	1,411	22.60%
1	862	13.81%
2	655	10.49%
3	551	8.83%
4	477	7.64%
5	401	6.42%
6	341	5.46%
7	286	4.58%
8 or more	1,259	20.17%
TOTAL	6,243	100.0

Table 2.7 Severity of Most Serious Offense: Juveniles Detained FY10		
Felonies Against Person	978	15.67%
Felonies Against Property	1,249	20.01%
Obstruction of Justice: Felony & Misdemeanor	1,301	20.84%
Misdemeanors Against Person	759	12.16%
Drugs: Felony & Misdemeanor	699	11.20%
Public Peace: Felony & Misdemeanor	790	12.65%
Misdemeanors Against Property	343	5.49%
Status Offenses	51	0.82%
Administrative	73	1.17%
TOTAL	6,243	100.0

Table 2.8 Offense Class of Most Serious Offense: Juveniles Detained FY10		
Felony	3,317	53.13%
Misdemeanor	1,981	31.73%
Violations of Probation & Ordinances	857	13.73%
Status	50	0.80%
Other	38	0.61%
TOTAL	6,243	100.0

Juveniles Detained



JUVENILES DIVERTED

Information presented in this section characterizes individual youth (unduplicated). For 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 counties in Arizona. Demographic and offense specific information are presented on subsequent tables.

Diversion is a process allowing a juvenile to avoid formal court processing and have the referral alleging an offense adjusted if the juvenile completes one or more conditions. If a referral is adjusted, a petition is not filed. Conditions to be completed are the consequences assigned based on 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 are briefly summarized in the Notes section at the end of the document.⁵

In FY10, there were 18,779 juveniles diverted in Arizona's juvenile justice system. Over the last five years, the number of juveniles having referrals diverted has remained fairly stable, however the number of juveniles referred has declined. As a result the percentage of juveniles referred who are diverted has increased from a low of 39.5% in FY07 to a high of 46.4% in FY09. In FY10 45.8% of the juveniles referred were diverted. The trend line of juveniles referred over the last five years is visually displayed at the bottom right of page 13.

It is expected diverted juveniles would have less serious offenses and little or no prior referrals. Of the juveniles diverted in FY10:

- 65.7% had no prior referrals.
- 63.8% had a misdemeanor as the most serious offense.

Table 3.1 County: Juveniles Diverted FY10

Apache	37	0.20%
Cochise	745	3.97%
Coconino	412	2.19%
Gila	260	1.38%
Graham	110	0.59%
Greenlee	25	0.13%
La Paz	45	0.24%
Maricopa	9,383	49.97%
Mohave	745	3.97%
Navajo	116	0.62%
Pima	4,333	23.07%
Pinal	588	3.13%
Santa Cruz	213	1.13%
Yavapai	989	5.27%
Yuma	778	4.14%
TOTAL	18,779	100.0

Table 3.2 Gender: Juveniles Diverted FY10

Male	11,409	60.75%
Female	7,370	39.25%
TOTAL	18,779	100.0

Table 3.3 Age: Juveniles Diverted FY10

8	62	0.33%
9	121	0.64%
10	220	1.17%
11	430	2.29%
12	945	5.03%
13	1,840	9.80%
14	3,031	16.14%
15	4,072	21.68%
16	4,097	21.82%
17	3,959	21.08%
Unknown	2	0.01%
TOTAL	18,779	100.0

Table 3.4 Ethnicity: Juveniles Diverted FY10

Hispanic	7,581	40.37%
African American	1,414	7.53%
Anglo	8,450	45.00%
Native American	788	4.20%
Asian/Pacific Islander	172	0.92%
Other	55	0.29%
Unknown	319	1.70%
TOTAL	18,779	100.0

Table 3.5 Education Status: Juveniles Diverted FY10

Enrolled	12,594	67.06%
Not Enrolled	384	2.04%
Expelled	25	0.13%
Suspended	39	0.21%
Withdrawn	44	0.23%
Graduated	72	0.38%
GED Program	8	0.04%
Unknown	5,613	29.89%
TOTAL	18,779	100.0

Table 3.6
Number of Prior Referrals: Juveniles Diverted FY10

0	12,336	65.69%
1	3,878	20.65%
2	1,295	6.90%
3	555	2.96%
4	257	1.37%
5	151	0.80%
6	81	0.43%
7	52	0.28%
8 or more	174	0.93%
TOTAL	18,779	100.0

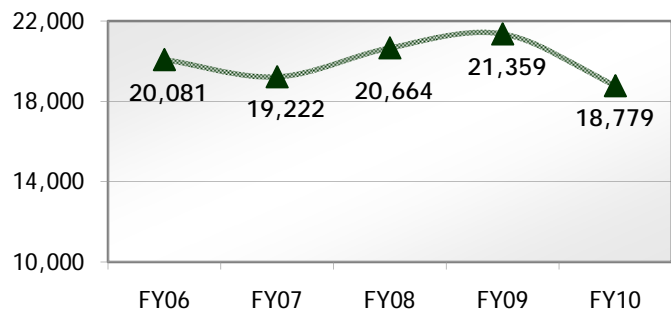
Table 3.7
Severity of Most Serious Offense: Juveniles Diverted FY10

Felonies Against Person	167	0.89%
Felonies Against Property	409	2.18%
Obstruction of Justice: Felony & Misdemeanor	118	0.63%
Misdemeanors Against Person	1,966	10.47%
Drugs: Felony & Misdemeanor	2,420	12.89%
Public Peace: Felony & Misdemeanor	5,527	29.43%
Misdemeanors Against Property	4,634	24.68%
Status Offenses	3,475	18.50%
Administrative	63	0.34%
TOTAL	18,779	100.0

Table 3.8
Offense Class of Most Serious Offense: Juveniles Diverted FY10

Felony	3,140	16.72%
Misdemeanor	11,982	63.81%
Violations of Probation & Ordinances	119	0.63%
Status	3,475	18.50%
Other	50	0.27%
Invalid Complaint	13	0.07%
TOTAL	18,779	100.0

Juveniles Diverted



PETITIONS FILED

Information presented in this section characterizes individual youth (unduplicated). For youth who were petitioned more than once during the fiscal year, information from their 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 presented in the subsequent tables.

A petition is a legal document filed in the juvenile court alleging a referred juvenile is delinquent, incorrigible, or dependent and requests the court to assume jurisdiction over the youth. A 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 eighteen, commits a delinquent act if that same act committed by an adult would be a criminal offense. An incorrigible youth 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 14,307 juveniles with a petition filed during FY10. This is a 15.6% decrease from FY09.

Although, it appears juveniles who received a petition have declined over the last few years, the number of juveniles entering the system has also declined. Over the past five years, the percentage of juveniles referred who are petitioned, ranges from 34.9% to 37.3%, with the low of 34.9% occurring in FY10. Thus, the relative rate of petitions is rather stable. Although, the average age of juveniles receiving

a petition is 15.4, almost 3 out of 4 (75.4%) are between 15 and 17 years of age.

County	Petitions	Percentage
Apache	78	0.55%
Cochise	325	2.27%
Coconino	392	2.74%
Gila	183	1.28%
Graham	198	1.38%
Greenlee	53	0.37%
La Paz	37	0.26%
Maricopa	7,000	48.93%
Mohave	552	3.86%
Navajo	408	2.85%
Pima	2,125	14.85%
Pinal	957	6.69%
Santa Cruz	344	2.40%
Yavapai	672	4.70%
Yuma	983	6.87%
TOTAL	14,307	100.0

Gender	Petitions	Percentage
Male	10,716	74.90%
Female	3,591	25.10%
TOTAL	14,307	100.0

Age	Petitions	Percentage
8	5	0.03%
9	29	0.20%
10	70	0.49%
11	205	1.43%
12	436	3.05%
13	952	6.65%
14	1,803	12.60%
15	2,838	19.84%
16	3,860	26.98%
17	4,092	28.60%
Unknown	17	0.12%
TOTAL	14,307	100.0

Table 4.4 Ethnicity: Petitions Filed FY10		
Hispanic	6,060	42.36%
African American	1,530	10.69%
Anglo	5,562	38.88%
Native American	971	6.79%
Asian/Pacific Islander	82	0.57%
Other	35	0.24%
Unknown	67	0.47%
TOTAL	14,307	100.0

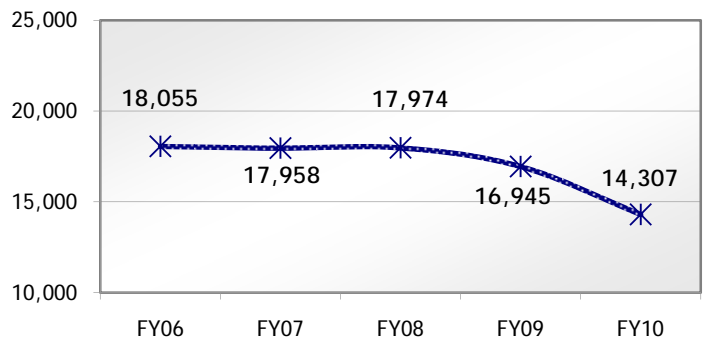
Table 4.5 Education Status: Petitions Filed FY10		
Enrolled	7,920	55.36%
Not Enrolled	1,221	8.53%
Expelled	62	0.43%
Suspended	103	0.72%
Withdrawn	193	1.35%
Graduated	99	0.69%
GED Program	17	0.12%
Unknown	4,692	32.80%
TOTAL	14,307	100.0

Table 4.6 Number of Prior Referrals: Petitions Filed FY10		
0	3,650	25.51%
1	2,410	16.84%
2	1,934	13.52%
3	1,405	9.82%
4	1,055	7.37%
5	811	5.67%
6	669	4.68%
7	472	3.30%
8 or more	1,901	13.29%
TOTAL	14,307	100.0

Table 4.7 Severity of Most Serious Offense: Petitions Filed FY10		
Felonies Against Person	1,259	8.80%
Felonies Against Property	2,170	15.17%
Obstruction of Justice: Felony & Misdemeanor	3,497	24.44%
Misdemeanors Against Person	1,570	10.97%
Drugs: Felony & Misdemeanor	1,974	13.80%
Public Peace: Felony & Misdemeanor	1,738	12.15%
Misdemeanors Against Property	1,820	12.72%
Status Offenses	245	1.71%
Administrative	34	0.24%
TOTAL	14,307	100.0

Table 4.8 Offense Class of Most Serious Offense: Petitions Filed FY10		
Felony	6,390	44.66%
Misdemeanor	5,831	40.76%
Violations of Probation & Ordinances	1,807	12.63%
Status	245	1.71%
Other	34	0.24%
TOTAL	14,307	100.0

Juveniles Petitioned



For FY03 through FY10 data, refer to the graphs on page 5.

JUVENILES DISMISSED

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 their first instance in the time frame is reported.

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

Referrals and petitions against juveniles can be dismissed. Dismissal means 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 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 reasons such 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, when 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 FY10 we see 15.5% of all juveniles referred had a complaint dismissed. Over the

last five years the total number dismissed 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 FY10

Apache	46	0.72%
Cochise	78	1.22%
Coconino	162	2.54%
Gila	56	0.88%
Graham	41	0.64%
Greenlee	10	0.16%
La Paz	25	0.39%
Maricopa	3,532	55.33%
Mohave	251	3.93%
Navajo	176	2.76%
Pima	975	15.27%
Pinal	472	7.39%
Santa Cruz	161	2.52%
Yavapai	130	2.04%
Yuma	268	4.20%
TOTAL	6,383	100.0

Table 5.2 Gender: Disposition of Dismissed FY10

Male	4,477	70.14%
Female	1,906	29.86%
TOTAL	6,383	100.0

Table 5.3 Age: Disposition of Dismissed FY10

8	0	0.00%
9	15	0.23%
10	43	0.67%
11	97	1.52%
12	166	2.60%
13	381	5.97%
14	692	10.84%
15	1,152	18.05%
16	1,531	23.99%
17	1,913	29.97%
Unknown	393	6.16%
TOTAL	6,383	100.0

Table 5.4 Ethnicity: Disposition of Dismissed FY10		
Hispanic	2,367	37.08%
African American	698	10.94%
Anglo	2,819	44.16%
Native American	360	5.64%
Asian/Pacific Islander	34	0.53%
Other	22	0.34%
Unknown	83	1.30%
TOTAL	6,383	100.0

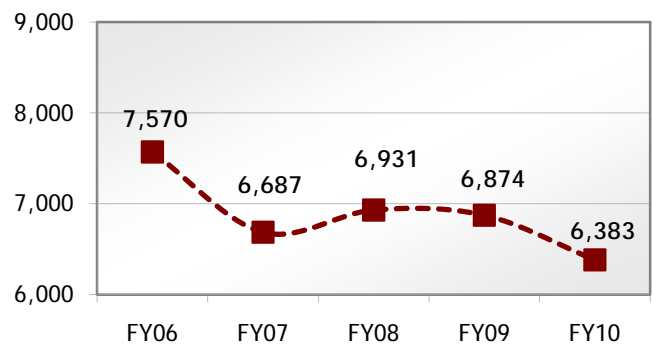
Table 5.5 Education Status: Disposition of Dismissed FY10		
Enrolled	3,103	48.61%
Not Enrolled	478	7.49%
Expelled	22	0.34%
Suspended	38	0.60%
Withdrawn	67	1.05%
Graduated	45	0.70%
GED Program	8	0.13%
Unknown	2,622	41.08%
TOTAL	6,383	100.0

Table 5.6 Number of Prior Referrals: Disposition of Dismissed FY10		
0	2,235	35.01%
1	1,095	17.15%
2	774	12.13%
3	511	8.01%
4	381	5.97%
5	259	4.06%
6	245	3.84%
7	183	2.87%
8 or more	700	10.97%
TOTAL	6,383	100.0

Table 5.7 Severity of Most Serious Offense: Disposition of Dismissed FY10		
Felonies Against Person	254	3.98%
Felonies Against Property	465	7.28%
Obstruction of Justice: Felony & Misdemeanor	1,083	16.97%
Misdemeanors Against Person	628	9.84%
Drugs: Felony & Misdemeanor	561	8.79%
Public Peace: Felony & Misdemeanor	1,867	29.25%
Misdemeanors Against Property	782	12.25%
Status Offenses	726	11.37%
Administrative	17	0.27%
TOTAL	6,383	100.0

Table 5.8 Offense Class of Most Serious Offense: Disposition of Dismissed FY10		
Felony	1,470	23.03%
Misdemeanor	3,309	51.84%
Violations of Probation & Ordinances	863	13.52%
Status	725	11.36%
Other	16	0.25%
TOTAL	6,383	100.0

Dismissed



PENALTY ONLY

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 their first instance during the time frame is reported.

Table 6.1 shows the distribution of youth across counties in Arizona. Demographic and offense specific information are 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 ADJC.

Dispositions of penalty only have remained fairly stable with the same number disposed to penalty only this year as was in FY06 (400).

Table 6.1 County:

Disposition of Penalty Only FY10		
Apache	18	4.50%
Cochise	23	5.75%
Coconino	6	1.50%
Gila	7	1.75%
Graham	1	0.25%
Greenlee	0	0.00%
La Paz	0	0.00%
Maricopa	228	57.00%
Mohave	0	0.00%
Navajo	11	2.75%
Pima	6	1.50%
Pinal	36	9.00%
Santa Cruz	33	8.25%
Yavapai	5	1.25%
Yuma	26	6.50%
<i>TOTAL</i>	400	100.0

Table 6.2 Gender:

Disposition of Penalty Only FY10		
Male	295	73.75%
Female	105	26.25%
<i>TOTAL</i>	400	100.0

Table 6.3 Age: Disposition of Penalty Only FY10

8	0	0.00%
9	0	0.00%
10	0	0.00%
11	0	0.00%
12	4	1.00%
13	7	1.75%
14	17	4.25%
15	31	7.75%
16	59	14.75%
17	262	65.50%
Unknown	20	5.00%
<i>TOTAL</i>	400	100.0

Table 6.4 Ethnicity: Disposition of Penalty Only FY10

Hispanic	183	45.75%
African American	40	10.00%
Anglo	152	38.00%
Native American	21	5.25%
Asian/Pacific Islander	0	0.00%
Other	2	0.50%
Unknown	2	0.50%
TOTAL	400	100.0

Table 6.5 Education Status: Disposition of Penalty Only FY10

Enrolled	144	36.00%
Not Enrolled	26	6.50%
Expelled	0	0.00%
Suspended	2	0.50%
Withdrawn	5	1.25%
Graduated	10	2.50%
GED Program	1	0.25%
Unknown	212	53.00%
TOTAL	400	100.0

Table 6.6 Number of Prior Referrals: Disposition of Penalty Only FY10

0	91	22.75%
1	66	16.50%
2	64	16.00%
3	31	7.75%
4	32	8.00%
5	23	5.75%
6	14	3.50%
7	16	4.00%
8 or more	63	15.75%
TOTAL	400	100.0

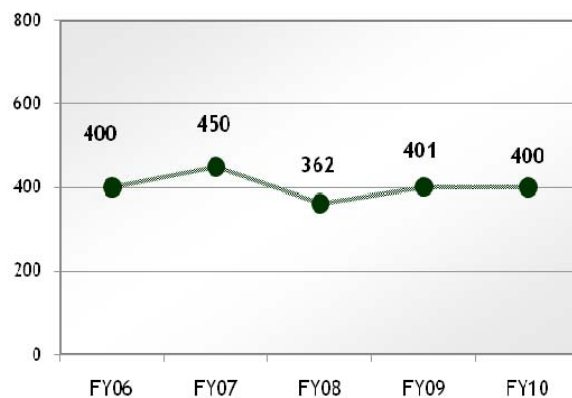
Table 6.7 Severity of Most Serious Offense: Disposition of Penalty Only FY10

Felonies Against Person	9	2.25%
Felonies Against Property	14	3.50%
Obstruction of Justice: Felony & Misdemeanor	91	22.75%
Misdemeanors Against Person	22	5.50%
Drugs: Felony & Misdemeanor	25	6.25%
Public Peace: Felony & Misdemeanor	160	40.00%
Misdemeanors Against Property	43	10.75%
Status Offenses	36	9.00%
Administrative	0	0.00%
TOTAL	400	100.0

Table 6.8 Offense Class of Most Serious Offense: Disposition of Penalty Only FY10

Felony	59	14.75%
Misdemeanor	220	55.00%
Violations of Probation & Ordinances	85	21.25%
Status	36	9.00%
Other	0	0.00%
TOTAL	400	100.0

Penalty Only



STANDARD PROBATION

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 their first instance during the time frame is reported.

Table 7.1 shows the distribution of youth across counties in Arizona. Demographic and offense specific information are 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 minimum scheduled contacts with a probation officer, maintaining law abiding behavior, and paying restitution to the victim. Additional terms may 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 associates.

Once a juvenile is 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. The court can impose multiple restrictions and provide resources to help the juvenile. If the youth does not choose to comply or continues violating the law, the probation officer will refer the juvenile back to court. The court may choose

(continued on next page)

County	Count	Percentage
Apache	49	0.52%
Cochise	165	1.76%
Coconino	219	2.34%
Gila	125	1.34%
Graham	131	1.40%
Greenlee	32	0.34%
La Paz	9	0.10%
Maricopa	5,370	57.43%
Mohave	317	3.39%
Navajo	239	2.56%
Pima	1,151	12.31%
Pinal	575	6.15%
Santa Cruz	159	1.70%
Yavapai	330	3.53%
Yuma	480	5.13%
TOTAL	9,351	100.0

Gender	Count	Percentage
Male	7,180	76.78%
Female	2,171	23.22%
TOTAL	9,351	100.0

Age	Count	Percentage
8	0	0.00%
9	4	0.04%
10	9	0.10%
11	58	0.62%
12	172	1.84%
13	535	5.72%
14	1,088	11.64%
15	1,804	19.29%
16	2,515	26.90%
17	3,157	33.76%
Unknown	9	0.10%
TOTAL	9,351	100.0

to impose more severe liberty restrictions, including detention, placement in the JIPS program or commitment to the ADJC.

In FY10, 9,351 juveniles were given a disposition of standard probation. Dispositions to standard probation have decreased by 8.4% since FY08. Over the last five years dispositions of standard probation have declined slightly.

Table 7.4 Ethnicity: Disposition of Standard Probation FY10		
Hispanic	3,954	42.28%
African American	982	10.50%
Anglo	3,705	39.62%
Native American	579	6.19%
Asian/Pacific Islander	51	0.55%
Other	32	0.34%
Unknown	48	0.51%
TOTAL	9,351	100.0

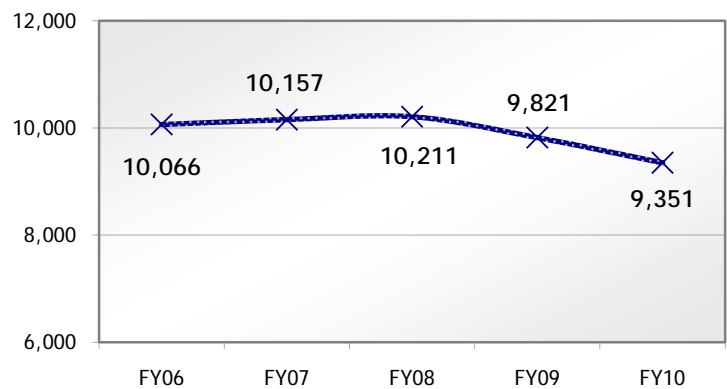
Table 7.5 Education Status: Disposition of Standard Probation FY10		
Enrolled	4,787	51.19%
Not Enrolled	946	10.12%
Expelled	56	0.60%
Suspended	71	0.76%
Withdrawn	177	1.89%
Graduated	103	1.10%
GED Program	8	0.09%
Unknown	3,203	34.25%
TOTAL	9,351	100.0

Table 7.6 Number of Prior Referrals: Disposition of Standard Probation FY10		
0	2,038	21.79%
1	1,653	17.68%
2	1,520	16.25%
3	1,139	12.18%
4	809	8.65%
5	595	6.36%
6	422	4.51%
7	316	3.38%
8 or more	859	9.19%
TOTAL	9,351	100.0

Table 7.7 Severity of Most Serious Offense: Disposition of Standard Probation FY10		
Felonies Against Person	836	8.94%
Felonies Against Property	1,617	17.29%
Obstruction of Justice: Felony & Misdemeanor	1,939	20.74%
Misdemeanors Against Person	800	8.56%
Drugs: Felony & Misdemeanor	1,497	16.01%
Public Peace: Felony & Misdemeanor	1,549	16.57%
Misdemeanors Against Property	905	9.68%
Status Offenses	88	0.94%
Administrative	120	1.28%
TOTAL	9,351	100.0

Table 7.8 Offense Class of Most Serious Offense: Disposition of Standard Probation FY10		
Felony	4,596	49.15%
Misdemeanor	3,561	38.08%
Violations of Probation & Ordinances	986	10.54%
Status	88	0.94%
Other	120	1.28%
TOTAL	9,351	100.0

Standard Probation



For FY03 through FY10 data, refer to the graphs on page 5.

JIPS

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 their first instance during the time frame is reported.

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

JIPS is a sentencing consequence used by the juvenile court judges for those youth in need of higher level of supervision and more structured programming. The program was enacted into law in 1987. The intent of this legislation was to create a program to 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 to 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 slightly from those reported in *Juveniles Processed* because the *JIPS Annual Report* includes all juveniles whose cases were active during the fiscal year; whereas this report includes only juveniles dispositioned to JIPS during the fiscal year.

Since FY09, the number of juveniles placed on JIPS has decreased by 16.1%. This decrease compares with a decrease in the number petitions of 15% over the same time period. Accordingly, the percentage of juveniles petitioned who end up disposed to JIPS has remained stable.

Table 8.1 County: Disposition to JIPS FY10

Apache	9	0.57%
Cochise	53	3.38%
Coconino	58	3.70%
Gila	25	1.59%
Graham	21	1.34%
Greenlee	6	0.38%
La Paz	4	0.26%
Maricopa	585	37.31%
Mohave	90	5.74%
Navajo	42	2.68%
Pima	176	11.22%
Pinal	115	7.33%
Santa Cruz	26	1.66%
Yavapai	123	7.84%
Yuma	235	14.99%
TOTAL	1,568	100.0

Table 8.2 Gender: Disposition to JIPS FY10

Male	1,368	87.24%
Female	200	12.76%
TOTAL	1,568	100.0

Table 8.3 Age: Disposition to JIPS FY10

8	0	0.00%
9	0	0.00%
10	1	0.06%
11	4	0.26%
12	9	0.57%
13	57	3.64%
14	174	11.10%
15	329	20.98%
16	438	27.93%
17	552	35.20%
Unknown	4	0.26%
TOTAL	1,568	100.0

Table 8.4 Ethnicity: Disposition to JIPS FY10

Hispanic	790	50.38%
African American	169	10.78%
Anglo	524	33.42%
Native American	77	4.91%
Asian/Pacific Islander	3	0.19%
Other	1	0.06%
Unknown	4	0.26%
TOTAL	1,568	100.0

Table 8.5 Education Status: Disposition to JIPS FY10

Enrolled	857	54.66%
Not Enrolled	206	13.14%
Expelled	17	1.08%
Suspended	28	1.79%
Withdrawn	44	2.81%
Graduated	15	0.96%
GED Program	6	0.38%
Unknown	395	25.19%
TOTAL	1,568	100.0

Table 8.6 Number of Prior Referrals: Disposition to JIPS FY10

0	71	4.53%
1	83	5.29%
2	131	8.35%
3	143	9.12%
4	151	9.63%
5	168	10.71%
6	144	9.18%
7	124	7.91%
8 or more	553	35.27%
TOTAL	1,568	100.0

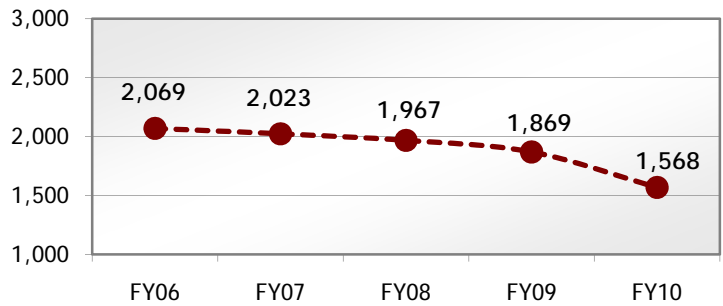
Table 8.7 Severity of Most Serious Offense: Disposition to JIPS FY10

Felonies Against Person	171	10.91%
Felonies Against Property	333	21.24%
Obstruction of Justice: Felony & Misdemeanor	735	46.88%
Misdemeanors Against Person	45	2.87%
Drugs: Felony & Misdemeanor	118	7.53%
Public Peace: Felony & Misdemeanor	107	6.82%
Misdemeanors Against Property	40	2.55%
Status Offenses	2	0.13%
Administrative	17	1.08%
TOTAL	1,568	100.0

Table 8.8 Offense Class of Most Serious Offense: Disposition to JIPS FY10

Felony	797	50.83%
Misdemeanor	283	18.05%
Violations of Probation & Ordinances	471	30.04%
Status	1	0.06%
Other	16	1.02%
TOTAL	1,568	100.0

Juvenile Intensive Probation (JIPS)



For FY03 through FY10 data, refer to the graph on page 5.

ADJC

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 their first instance during the time frame is reported.

Table 9.1 shows the distribution of youth across counties in Arizona. Demographic and offense specific information are 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 commitment to ADJC should be reserved for juveniles whom the court believes need placement in a secure care facility for the protection of the public.

The commitment guidelines, 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 this document.⁶

The ADJC tables in this section were produced using the traditional reporting method used in *Juveniles Processed*, 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 FY10 within each county.

In FY10, 751 juveniles received a judicial decision involving commitment to ADJC. This number shows 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 751 (FY10) to a high of 926 (FY07). This year commitments decreased by 11.4% from FY09.

- 44.2% 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).
- 53.1% of the juveniles committed to ADJC had eight or more prior referrals, suggesting that the majority of commitments are chronic offenders.

Table 9.1 County: Disposition to ADJC FY10

Apache	4	0.53%
Cochise	17	2.26%
Coconino	19	2.53%
Gila	3	0.40%
Graham	6	0.80%
Greenlee	2	0.27%
La Paz	1	0.13%
Maricopa	436	58.06%
Mohave	42	5.59%
Navajo	6	0.80%
Pima	76	10.12%
Pinal	38	5.06%
Santa Cruz	5	0.67%
Yavapai	15	2.00%
Yuma	81	10.79%
TOTAL	751	100.0

Table 9.2 Age: Disposition to ADJC FY10

8	0	0.00%
9	0	0.00%
10	0	0.00%
11	0	0.00%
12	0	0.00%
13	13	1.73%
14	51	6.79%
15	147	19.57%
16	237	31.56%
17	303	40.35%
Unknown	0	0.00%
TOTAL	751	100.0

Table 9.3 Gender: Disposition to ADJC FY10		
Male	663	88.28%
Female	88	11.72%
TOTAL	751	100.0

Table 9.4 Ethnicity: Disposition to ADJC FY10		
Hispanic	387	51.53%
African American	108	14.38%
Anglo	212	28.23%
Native American	40	5.33%
Asian/Pacific Islander	3	0.40%
Other	1	0.13%
Unknown	0	0.00%
TOTAL	751	100.0

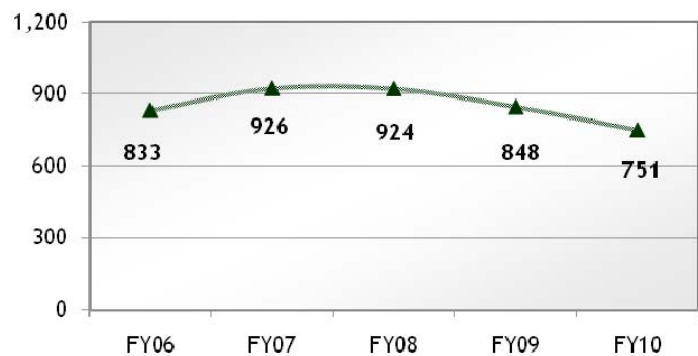
Table 9.5 Education Status: Disposition to ADJC FY10		
Enrolled	237	31.56%
Not Enrolled	101	13.45%
Expelled	3	0.40%
Suspended	10	1.33%
Withdrawn	15	2.00%
Graduated	4	0.53%
GED Program	5	0.67%
Unknown	376	50.07%
TOTAL	751	100.0

Table 9.6 Number of Prior Referrals: Disposition to ADJC FY10		
0	32	4.26%
1	22	2.93%
2	22	2.93%
3	34	4.53%
4	38	5.06%
5	66	8.79%
6	74	9.85%
7	64	8.52%
8 or more	399	53.13%
TOTAL	751	100.0

Table 9.7 Severity of Most Serious Offense: Disposition to ADJC FY10		
Felonies Against Person	104	13.85%
Felonies Against Property	124	16.51%
Obstruction of Justice: Felony & Misdemeanor	338	45.01%
Misdemeanors Against Person	30	3.99%
Drugs: Felony & Misdemeanor	73	9.72%
Public Peace: Felony & Misdemeanor	49	6.52%
Misdemeanors Against Property	33	4.39%
TOTAL	751	100.0

Table 9.8 Offense Class of Most Serious Offense: Disposition to ADJC FY10		
Felony	370	49.27%
Misdemeanor	130	17.31%
Violations of Probations & Ordinances	251	33.42%
TOTAL	751	100.0

Arizona Department of Juvenile Corrections (ADJC)



For FY03 through FY10 data, refer to the graph 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*, 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 FY10 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 present the number of juveniles involved in the commitment decision. The most important consideration is the original commitment and 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; or that a juvenile was committed in a prior fiscal year and received another disposition of commitment or award to ADJC during FY10.

The last column, (Never Arrived at ADJC), are juveniles who received an

(continued on next page)

Juveniles Originally Committed

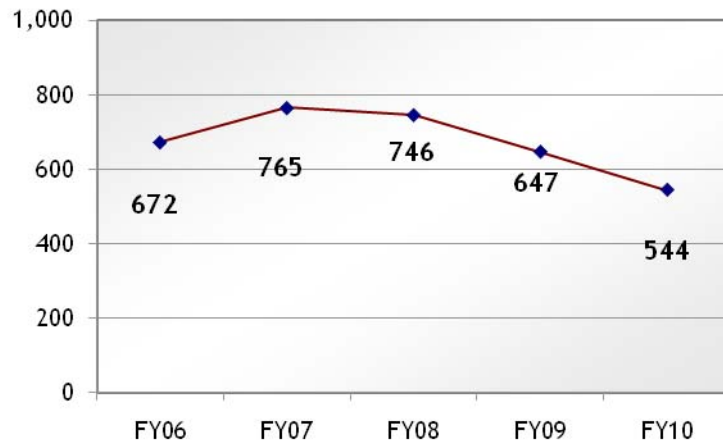


Table 10.1 Commitments FY10, 7/1/2009 – 6/30/2010

	Original Commitment	Subsequent Commitment	Never Arrived At ADJC	TOTAL
Apache	4	0	0	4
Cochise	16	1	0	17
Coconino	11	8	0	19
Gila	3	0	0	3
Graham	4	2	0	6
Greenlee	2	0	0	2
La Paz	1	0	0	1
Maricopa	296	128	12	436
Mohave	33	9	0	42
Navajo	3	3	0	6
Pima	53	19	4	76
Pinal	31	7	0	38
Santa Cruz	4	1	0	5
Yavapai	11	4	0	15
Yuma	72	9	0	81
TOTAL	544	191	16	751

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 FY10 the number of original commitments is 544. That is 103 fewer original juveniles being committed to ADJC than FY09 representing a 15.9% decrease from the previous fiscal year.

Charts for fiscal years 2008 through 2010 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 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

Table 10.3 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

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 on the subsequent pages:

Direct Filed in Adult Court Transferred to Adult Court

This section provides an overview of two groups of youth who are sent to adult court via one of the five pathways identified. They are briefly described below. The numbers of youth who were filed in adult court through one of these pathways are presented in table 11.1.

Pathways to Adult Court

- **Mandatory:** A juvenile aged fifteen, sixteen, or seventeen who commit a violent crime specified in Arizona Revised Statutes §13-501 A. must be filed in adult court.
- **Mandatory Prior:** A juvenile previously convicted in adult court must be returned to adult court for any subsequent crimes or violations of probation.
- **Chronic:** A juveniles aged fifteen, sixteen, or seventeen who have two prior felony adjudications in juvenile court and must go to adult court for a subsequent felony.
- **Discretion:** At the discretion of the county attorney, any juvenile who is fourteen years old and a chronic offender or fourteen or older and commit one of a list of specified offenses in Arizona Revised Statutes §13-501 B. may be filed in adult court.
- **Transfer:** Juveniles who do not meet the above criteria may still be transferred by the juvenile court depending on a number of factors, such

as the type and severity of the offense and the juvenile's record and previous history. The county attorney may request an order of the juvenile court transferring jurisdiction to the criminal division of the superior court for prosecution of any juvenile charged with a felony.

Table 11.1 Pathways for Juveniles Filed in Adult Court FY10

Pathways	Number of Juveniles	% of Total
Mandatory	153	35.83%
Mandatory Prior Conviction	31	7.26%
Chronic	57	13.35%
Discretionary	152	35.60%
Transfer	34	7.96%
TOTAL	*427	100

Table 11.2 County: Direct Filed in and Transferred to Adult Court FY10

Apache	0	0.00%
Cochise	4	0.94%
Coconino	1	0.23%
Gila	2	0.47%
Graham	0	0.00%
Greenlee	0	0.00%
La Paz	1	0.23%
Maricopa	271	63.47%
Mohave	3	0.70%
Navajo	0	0.00%
Pima	81	18.97%
Pinal	20	4.68%
Santa Cruz	9	2.11%
Yavapai	10	2.34%
Yuma	25	5.85%
TOTAL	*427	100.0

*The number of juveniles in these tables may be a duplicate count due to the possibility of being both direct filed and transferred to adult court during a single fiscal year.

DIRECT FILED IN ADULT COURT

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

Table 11.3 presents the distribution of youth across counties in Arizona. Demographic and offense specific information are 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.

A historic high occurred in the direct file process in FY99 when 804 juveniles were sent to adult court in this manner. A general decline took place through FY05. In FY10, there was a sharp decline in the number of juveniles direct filed, 30% since last year (See trend line bottom of page 30).

Table 11.3 County: Juveniles Direct Filed in Adult Court FY10

Apache	0	0.00%
Cochise	3	0.76%
Coconino	1	0.25%
Gila	0	0.00%
Graham	2	0.51%
Greenlee	0	0.00%
La Paz	0	0.00%
Maricopa	260	66.16%
Mohave	2	0.51%
Navajo	0	0.00%
Pima	75	19.08%
Pinal	20	5.09%
Santa Cruz	9	2.29%
Yavapai	3	0.76%
Yuma	18	4.58%
TOTAL	393	100.0

Table 11.4 Gender: Juveniles Direct Filed FY10

Male	360	91.60%
Female	33	8.40%
TOTAL	393	100.0

Table 11.5 Age: Juveniles Direct Filed FY10

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	5	1.27%
15	41	10.43%
16	118	30.03%
17	224	57.00%
Unknown	5	1.27%
TOTAL	393	100.0

Table 11.6 Ethnicity: Juveniles Direct Filed FY10		
Hispanic	234	59.54%
African American	50	12.72%
Anglo	82	20.87%
Native American	19	4.83%
Asian/Pacific Islander	2	0.51%
Other	1	0.25%
Unknown	5	1.27%
TOTAL	393	100.0

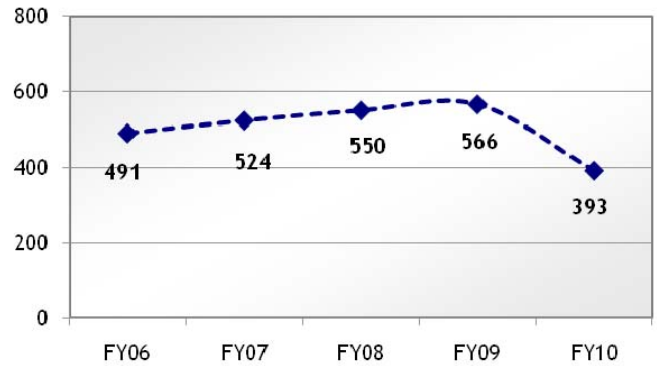
Table 11.7 Education Status: Juveniles Direct Filed FY10		
Enrolled	96	24.43%
Not Enrolled	57	14.50%
Expelled	1	0.25%
Suspended	4	1.02%
Withdrawn	9	2.29%
Graduated	5	1.27%
GED Program	0	0.00%
Unknown	221	56.23%
TOTAL	393	100.0

Table 11.8 Number of Prior Referrals: Juveniles Direct Filed FY10		
0	57	14.50%
1	42	10.69%
2	35	8.91%
3	35	8.91%
4	29	7.38%
5	25	6.36%
6	26	6.62%
7	32	8.14%
8 or more	112	28.50%
TOTAL	393	100.0

Table 11.9 Severity of Most Serious Offense: Juveniles Direct Filed FY10		
Felonies Against Person	230	58.52%
Felonies Against Property	91	23.16%
Obstruction of Justice: Felony & Misdemeanor	2	0.51%
Misdemeanors Against Person	1	0.25%
Drugs: Felony & Misdemeanor	54	13.74%
Public Peace: Felony & Misdemeanor	14	3.56%
Misdemeanors Against Property	1	0.25%
TOTAL	393	100.0

Table 11.10 Offense Class of Most Serious Offense: Juveniles Direct Filed FY10		
Felony	386	98.22%
Misdemeanor	7	1.78%
TOTAL	393	100.0

Direct Filed to Adult Court



For FY03 through FY10 data, refer to the graph on page 6.

TRANSFERRED TO ADULT COURT

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

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 FY10

Apache	0	0.00%
Cochise	1	2.94%
Coconino	0	0.00%
Gila	0	0.00%
Graham	0	0.00%
Greenlee	0	0.00%
La Paz	1	2.94%
Maricopa	11	32.35%
Mohave	1	2.94%
Navajo	0	0.00%
Pima	6	17.65%
Pinal	0	0.00%
Santa Cruz	0	0.00%
Yavapai	7	20.59%
Yuma	7	20.59%
<i>TOTAL</i>	34	100.0

In FY10 transfers have declined 24.4% from FY09 which is consistent with the trend over the last 5 years. Since the direct filing process began, the judicial transfer process being utilized less. Overall, the direct filing process accounts for approximately 9 out of every 10 juveniles prosecuted in adult court.

Table 11.12 Age: Juveniles Transferred FY10

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	2.94%
15	3	8.82%
16	4	11.76%
17	25	73.53%
Unknown	1	2.94%
<i>TOTAL</i>	34	100.0

Table 11.13 Gender: Juveniles Transferred FY10

Male	33	97.06%
Female	1	2.94%
TOTAL	34	100.0

Table 11.14 Ethnicity: Juveniles Transferred FY10

Hispanic	17	50.00%
African American	2	5.88%
Anglo	13	38.24%
Native American	1	2.94%
Asian/Pacific Islander	0	0.00%
Other	0	0.00%
Unknown	1	2.94%
TOTAL	34	100.0

Table 11.15 Education Status: Juveniles Transferred FY10

Enrolled	13	38.24%
Not Enrolled	10	29.41%
Expelled	0	0.00%
Suspended	0	0.00%
Withdrawn	0	0.00%
Graduated	0	0.00%
GED Program	2	5.88%
Unknown	9	26.47%
TOTAL	34	100.0

Table 11.16 Number of Prior Referrals: Juveniles Transferred FY10

0	5	14.71%
1	3	8.82%
2	2	5.88%
3	4	11.76%
4	2	5.88%
5	2	5.88%
6	3	8.82%
7	1	2.94%
8 or more	12	35.29%
TOTAL	34	100.0

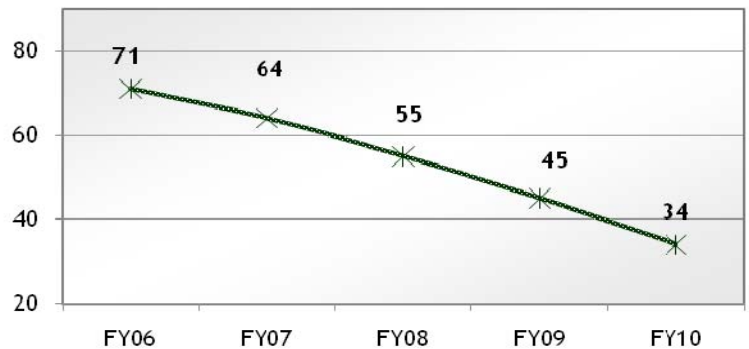
Table 11.17 Severity of Most Serious Offense: Juveniles Transferred FY10

Felonies Against Person	12	35.29%
Felonies Against Property	15	44.12%
Obstruction of Justice: Felony & Misdemeanor	1	2.94%
Misdemeanors Against Person	1	2.94%
Drugs: Felony & Misdemeanor	3	8.82%
Public Peace: Felony & Misdemeanor	2	5.88%
Misdemeanors Against Property	0	0.00%
Status Offenses	0	0.00%
Citations/Administrative	0	0.00%
TOTAL	34	100.0

Table 11.18 Offense Class of Most Serious Offense: Juveniles Transferred FY10

Felony	32	94.12%
Misdemeanor	2	5.88%
Administrative	0	0.00%
TOTAL	34	100.0

Juveniles Transferred to Adult Court



For FY03 through FY10 data, refer to the graph on page 6.

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GENDER

JUVENILES REFERRED IN FY10

In January, 2005, the Child Welfare League hosted a conference *National Girls Initiative: Florence Crittendon Roundtable* 2005. This 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 FY10. This was first published in *Juveniles Processed FY04* and has been replicated annually since.

Over the last two decades, increasing attention has been paid to girls in the juvenile justice system. There was concern, 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 of males and females arrested have been constant

Traditionally, males are 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 tables indicate males continue to account for a large proportion of offenses.

Table 12.1 Percentage of Each Gender at Stages in the Juvenile Justice System FY10

	Female	Male
Referral	34.20%	65.80%
Detention	22.55%	77.45%
Diversion	39.25%	60.75%
Petitioned	25.10%	74.90%
Dismissed	19.86%	70.14%
Penalty Only	26.25%	73.75%
Standard Probation	23.22%	76.78%
JIPS	12.76%	87.24%
ADJC	11.72%	89.28%
Direct Filed	8.40%	91.60%
Transferred	2.94%	97.06%

Average Age

For the juveniles referred in FY10, females entered the juvenile justice system for the first time at the same age as males (average age of 14.4 for females compared to 14.0 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 (26.3%); status (19.0%); and misdemeanors against property (24.4%). On the other hand, apart from public peace offenses (24.7%), 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 consistently make up a greater percentage of the total referral offenses for males than for females. Since FY05 the proportion of both gender's felonies remained fairly stable. The female proportions have a range from 14.8% in FY10 to 17.7% in FY06, while male proportions have a range from 35.3% in FY06 to 37.5% in FY08.

Gender	Average Age	Percentage
Female	14.39	34.2%
Male	14.01	65.8%
<i>TOTAL</i>		100.0

Offense Category	Female	Male
Felonies Against Person	2.2%	5.9%
Felonies Against Property	2.9%	10.1%
Obstruction of Justice: Fel. & Misd.	6.3%	9.9%
Misdemeanors Against Person	10.6%	8.7%
Drugs: Fel. & Misd.	7.6%	15.2%
Public Peace: Fel. & Misd.	26.3%	24.7%
Misdemeanors Against Property	24.4%	13.9%
Status Offenses	19.0%	10.8%
Administrative	0.8%	0.8%
<i>TOTAL</i>	100.0	100.0

Year	Female	Male
Felony		
2006	(17.7%)	(35.3%)
2007	(17.4%)	(36.2%)
2008	(15.8%)	(37.5%)
2009	(15.6%)	(37.1%)
2010	(14.8%)	(35.8%)
Misdemeanor		
2006	(50.8%)	(45.3%)
2007	(52.0%)	(44.9%)
2008	(56.8%)	(45.0%)
2009	(59.4%)	(46.6%)
2010	(62.6%)	(47.9%)

Table 12.5 Juveniles Referred in FY10
Who Received Court Funded Treatment (Tx) in FY10

	Total Referred	Rec'd Court Funded Tx	%
Female	14,036	2,797	19.9%
Male	27,004	6,582	24.4%
TOTAL	41,040	9,379	22.9%

Table 12.6 FY10 Treatment Expenditures by Category
Percentage of Total Dollars Spent

	% Female	% Male
Ancillary Services	2.8%	4.7%
Behavioral Support Service	0.0%	0.0%
Competency Restoration	0.6%	1.3%
Delinquency Prevention	10.7%	6.1%
Evaluation and Diagnosis	8.3%	8.9%
Foster Home	0.5%	0.4%
Functional Family Therapy	0.7%	0.7%
Out-of-Home	53.6%	41.2%
Outpatient	7.2%	6.4%
R.A.F.T.	0.0%	0.1%
Sex Offender	1.8%	23.0%
Substance Abuse	13.6%	7.2%
TOTAL	100.0%	100.0%
TOTAL EXPENDITURE	\$2,521,224.07	\$8,020,769.67

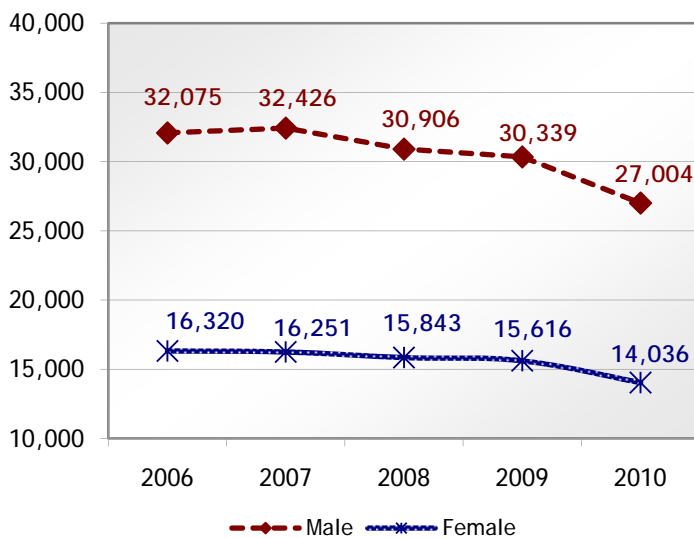
Court Funded Treatment Received

Of the 14,036 females referred in FY10, 19.9% received court funded treatment services during the year compared to 24.4% of the males.

On average, \$901.40 was spent on court funded treatment for females and \$1,218.59 was spent on males through the Juveniles Probation Services Fund (JPSF).

The largest allocation of treatment monies for both males (41.2%) and females (53.6%) 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 (23.0%) and for females it was substance abuse treatment (13.6%).

Referrals by Gender



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NOTES

JUVENILES PROCESSED FY10

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 FY10" and "County: Direct Filed and Transferred to Adult Court FY10". 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 \$1000.
 - 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/her 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 fourteen 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 fifteen 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 eight and seventeen. Multiple referrals typically signal high risk, even when the referrals are for numerous incorrigible or relatively minor offenses.

Standard Probation. A program of 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.

Transfer Hearing: A transfer hearing is held when the county attorney requests that the juvenile court consider transferring its jurisdiction of the juvenile to the adult criminal division of Superior Court. The juvenile court judge may decide to waive or retain jurisdiction in such matters based on A.R.S. §8-327, but must state on the official court record the reasons for the decision.

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