JUVENILE JUSTICE FAST FACTS

DETENTION FOR SOME VIOLENT JUVENILES

Appropriate consequences should be imposed upon children and adolescents who commit crimes. Specific consequences appropriate for a crime committed by a juvenile depend in large part upon the nature of the crime, the age and maturity level of the juvenile, and the potential for his or her rehabilitation.

- Consequences appropriate for a crime committed by a juvenile depend upon; the nature of the crime itself; the age and maturity level of the offender; the potential for rehabilitation. Examples include: accountability through victim restitution; possible separation from both society and the offender's own environment; to protect public safety; access programs. Deterrence from committing future crimes may be derived from a combination of consequences and rehabilitative services that will result in behavior modifications.

- The age factor is especially relevant when the offender is nearing majority (18 years old) and no longer eligible for services as a juvenile. Cases of serious, violent felony crimes, such as rape, murder or drive-by shootings may necessitate appropriate consequences to continue beyond reaching majority in light of totality of the factors. By a referral to the adult justice system to access, the additional tools of incarceration and /or probation.

DETENTION IS A CASE-BY-CASE DECISION

Detention decisions based upon consideration of the best interests of the juvenile, the victim(s), and the community rather than upon statistics, economics or politics have the best chance of being effective. Detention may be the best or only source of vital services for the longer-term goal of behavior modification, not just for deterrence from criminal activity. Hence, the ADJC mission (emphasis added):

*ADJC enhances public protection by **changing the delinquent thinking and behaviors** of juvenile offenders committed to the Department.*

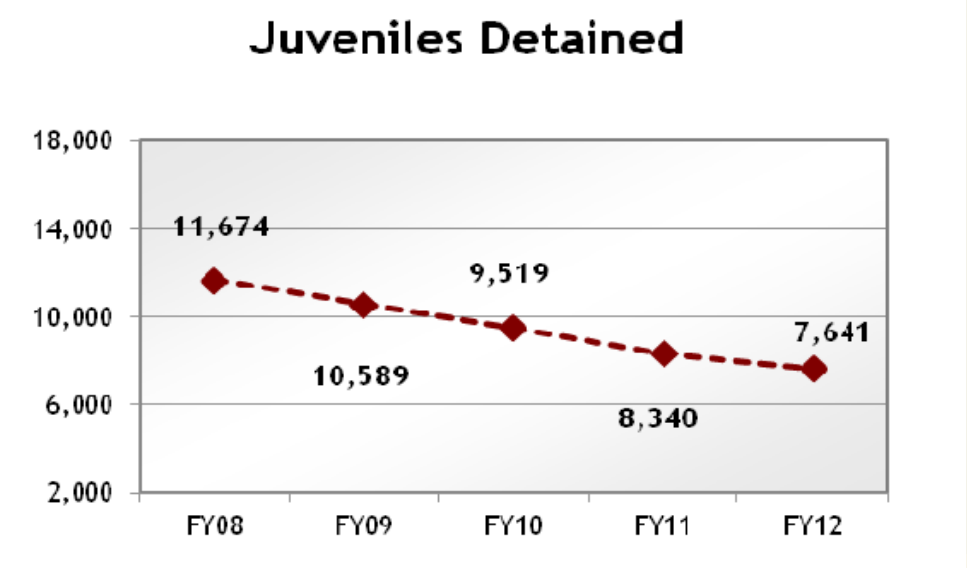
LESS THAN ONE PERCENT OF JUVENILES ARE HELD IN DETENTION

- Arizona is home to approximately 975,022 "juveniles" ages 8 -17
- 3.5% of these juveniles (33,617) referred to juvenile courts (1 out of 29)
- 33,617 juveniles generated 50,251 referrals, an average of 1.5 referrals per juvenile
- 7,641 juveniles (less than 1%) detained one or more times
- 5,138 (67.0%) detained per referral; 2,503 for court holds, warrants, probation consequences, for another jurisdiction

Table 2.1 County: Juveniles Detained FY12

Apache	75	0.98%
Cochise	170	2.22%
Coconino	186	2.43%
Gila	122	1.60%
Graham	103	1.35%
Greenlee	23	0.30%
La Paz	11	0.14%
Maricopa	3,816	49.94%
Mohave	368	4.82%
Navajo	228	2.98%
Pima	692	9.06%
Pinal	666	8.72%
Santa Cruz	138	1.81%
Yavapai	405	5.30%
Yuma	638	8.35%
TOTAL	7,641	100.00%

Juvenile detention pre-adjudication has decreased from a high of 11,674 in FY08, to 7,641 in FY12, despite increased population.



LESS THAN ONE ONE-HUNDREDTH OF ONE PERCENT OF JUVENILES ARE HELD IN THE DEPARTMENT OF JUVENILE CORRECTIONS

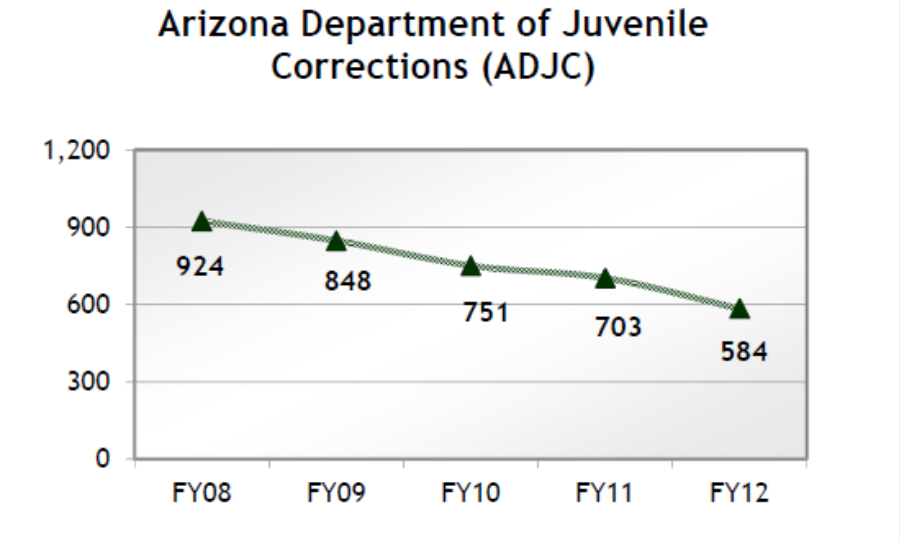
Table 9.1 County: Disposition to ADJC FY12		
Apache	5	0.85%
Cochise	37	6.32%
Coconino	12	2.05%
Gila	5	0.85%
Graham	5	0.85%
Greenlee	0	0.00%
La Paz	0	0.00%
Maricopa	342	58.29%
Mohave	22	3.76%
Navajo	2	0.68%
Pima	39	6.67%
Pinal	32	5.47%
Santa Cruz	5	0.85%
Yavapai	21	3.59%
Yuma	57	9.74%
TOTAL	584	100.00%

- 584 (less than one one-hundredth of one percent of juveniles in Arizona) committed to ADJC by court order; down from historical high of 1,670 FY1998.
- ADJC commitments range from a low of 584 in FY2012 (a decrease of 16.9% from FY2011) to a high of 924 in FY2008.

Statewide Detention Activity: FY 2012

- Admissions: 12,937*
- Releases: 12,909*
- Total Days of Detention: 183,913 (3.2% decrease from FY2011)

*Note: Admissions and releases are total number of occurrences, not count of juveniles.



REHABILITATION IS THE GOAL FOR JUVENILES AND IS POSSIBLE FOR MOST

Rehabilitation ensures the human potential of the young person. It takes many forms, such as restorative justice and programming for the detained offender.

Restorative justice diverts the juvenile from a destructive path and moves them into services and other appropriate consequences this is often accomplished through a plea agreement with specific terms.

Programs provided during ADJC detention can address the holistic needs of the individual who may otherwise be living in challenging circumstances. One concern regarding the decrease in detention numbers is that vital services, which are most effective when provided as a timely intervention, may not be delivered, thus defeating the goal of long-term behavior modification.

Safer communities through successful youth.

Balanced and Restorative models, common in Arizona, focuses on combinations of these tools.

- Community Safety & Curfew: house arrest, electronic monitoring, inpatient treatment, detention, no-contact orders
- Accountability: community service, restitution, letters of apology, essays
- Competency: attending school, counseling, tutoring, mentoring

STUDIES ARE SHOWING REDUCED DELINQUENCY

A sampling of studies showing that rehabilitation works to reduce future delinquency from 20% to 50%:

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- Latessa, Edward, Francis Cullen and Paul Gendreau, (2002), *Beyond correctional quackery – Professionalism and the possibility of effective treatment*, Federal Probation.
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- Lipsey, Mark W., (1992), *Juvenile delinquency treatment: A meta-analytic inquiry into the variability of effects*, in Thomas D. Cook, Harris Cooper, David S. Cordray, Heidi Hartman, Larry V. Hedges, Richard J. Light, Thomas A. Louis and Frederick Mosteller, eds., Meta-Analysis for Explanation.
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- Van Voorhis, Patricia, Michael Braswell and David Lester, (2000), *Correctional Counseling and Rehabilitation*.

BETTER MENTAL HEALTH SERVICES ARE NEEDED FOR JUVENILE REHABILITATION

Mental health issues in juveniles demand specialized diversion, including long-term treatment options, which are currently unavailable.

Of Arizona's approximately 6.5 million residents…about 73,000 children live with serious mental health conditions.

- Youths often end up in the juvenile system because of a mental health need rather than the seriousness of the offense:
- Nationally, 2 million+ annually in formal contact with the juvenile system, millions more at risk: 65–70% with at least one diagnosable mental health need; 20–25% with serious emotional impairments to functioning and growing into responsible adults.
- Effective diversion requires community-based mental health services and alternatives to incarceration. In 2004 Congress realized that in at least 33 states, juveniles were being held in detention with no charges because there was nowhere else for them to go

Program Example: *ADJC has adopted the Correctional Program Checklist*, an evaluation tool for determining if the institutional and community based programming is effective at reducing recidivism. Using the Standardized Program Evaluation Protocol, they measure the effectiveness of treatment programs and isolate areas for improvement. In addition, the Pathways to Desistance study, a multi-site, longitudinal study of serious adolescent offenders as they transition from adolescence into early adulthood is taking a long-term view. Between November 2000 and January 2003, 1,354 adjudicated youths from the juvenile and adult court systems in Maricopa County (Phoenix), Arizona (N = 654) and Philadelphia County, Pennsylvania (N = 700) were enrolled into the study.

STATEMENT FROM A SUPERVISING JUVENILE PROSECUTOR:

"Over the years, there were severe cases for which ASH was the only appropriate placement: juveniles repeatedly commit assaults on teachers, medical staff, group home and/or family members who may very likely be found incompetent. Attempts to initiate civil commitment proceedings met with minimal results, but it was a start. Without ASH, there is no place for juveniles to argue or for them to go. We are severely lacking in serving this very growing population of delinquent youth." – Beth Beringhaus, Maricopa County Attorney's Office.

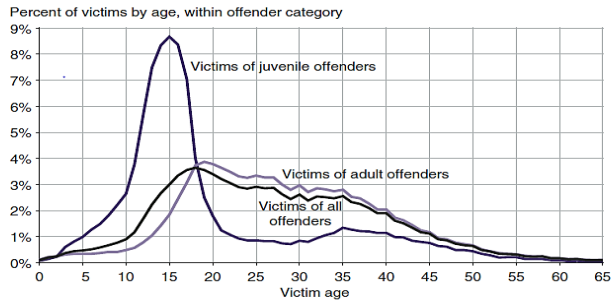
VICTIMS OF JUVENILE CRIMES MUST NOT BE FORGOTTEN

Victims deserve acknowledgment and recognition of their suffering, restitution to the extent possible, participation in the justice system, and protection from retaliation or continued victimization.

- One in five nonfatal violent victimizations involves a juvenile offender
- Most victims of juvenile violence are themselves juveniles; sexual assault 95%; aggravated assault 53%
- 40% of victims of juvenile crimes are injured in sexual assaults, robberies, and aggravated assaults

VICTIMS OF VIOLENT JUVENILE CRIMES

The age profile for victims of juvenile offenders was skewed toward younger ages



- Because 81% of all victims of violent crime were victimized by adult offenders, the age profiles for all victims and for victims of adult offenders were very similar.
- Among victims of violent crime committed by juvenile offenders, 62% were younger than 18, compared with 14% of the victims of adult offenders.

Data source: Analysis of the FBI's National Incident-Based Reporting System data for 1997 and 1998. [See data source note on page 8 for details.]

Here is one example of a Juvenile case from Pima County:

- June 30th, Assault (DV): Order: six months' probation
- September 11th, (new) Disorderly Conduct (DV): Order: continue probation
- November 30th, probation violation: Order: continue probation
- December, probation ends "successfully terminated"

Clearly, the victim is not considered in this scenario and through the obvious fact of recidivism, it is apparent the consequences are an insufficient deterrent.

DISPROPORTIONATE MINORITY CONTACT (DMC) DOES NOT NECESSARILY DEMONSTRATE DISPARATE TREATMENT

Accused juveniles and victims deserve fair treatment without any differential or disparity based on race, ethnicity, religion, or gender. That being said, disproportionate minority contact (DMC) does not necessarily demonstrate disparate treatment.

A disproportionate percentage of juveniles in the system are low-income. Urban areas are more likely to result in harsher punishment than rural, and minority populations tend to concentrate in urban areas, thus, the effects may over-represent minorities.

The appearance of change when considering the combined effect of additional risk factors:

- Family socioeconomic status
- Family structure
- Age of mother at first birth
- Educational/academic capability and performance factors
- Carrying a hidden weapon
- Gang membership
- Neighborhood poverty

SOURCES

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