



Wellbeing of Juvenile Justice-involved Youth in Arizona

Making Action Possible in Southern Arizona (MAP Dashboard)

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EXECUTIVE SUMMARY

Juvenile courts in the U.S. were created to provide a separate systematized legal course for minors given that youths' capacity for criminal action and responsibility is thought to be different, and not as liable, as that of adults. Youth are typically viewed as more amenable to rehabilitation compared to their adult counterparts and thus should be given opportunities to become successful adults. Jurisdiction over juvenile courts varies across U.S. states and territories with some juvenile courts under the jurisdiction of another court. Arizona's juvenile court is part of Superior Court, a court that is situated in each of Arizona's 15 counties. As in most states, the mission of Arizona's juvenile court is to achieve public safety along with youth rehabilitation. However, at both the state and county level, some Arizona juvenile court laws, policies, and practices are not aligned with the rehabilitative aspect of its mission, and instead place undue burden on youth and their families. Two such burdens include (1) open juvenile record laws, and (2) court-related fines and fees policies. These burdens can keep youth from becoming successful adults and impede their economic livelihood, physical and mental health, and social wellbeing.

Arizona is one of seven states in which juvenile delinquency records are available to the public. To be able to have one's juvenile record expunged or destroyed, a youth must complete probation successfully including paying restitution and all court-related fines and fees. A sizable proportion of Arizona's court revenue comes from fines, sanctions, and forfeitures, as well as court-related fees; including from Arizona's juvenile courts. However, such costs can be excessive and burdensome and particularly difficult for youth and families from lower socio-economic households.

Fortunately, five-year trend data of Arizona's justice-involved youth indicates decreases in the number of juveniles (1) referred to juvenile court, (2) having petitions filed, (3) detained, (4) referred to diversion, (5) placed on standard probation, and (6) placed on intensive probation. Along with this good news, Arizona House Bill 2055, enacted in 2019, addresses some of the burdens and other court complexities placed on youth and their families. Moreover, data from Pima County Juvenile Court (PCJC) is encouraging and shows that the majority of PCJC-involved youth successfully complete juvenile probation.

A closer look at Pima County data indicates that some disparities exist with regard to youth who complete juvenile probation successfully. Overall, females were more successful than males, and youth who were not involved in the child welfare system were more successful than youth who were dually-involved (juvenile court and child welfare). Success based on youths' ethnicity, age, and zip code residence varied across the five years.

Qualitative interviews with 32 court personnel across Arizona's 15 counties addressed Arizona's open record laws, fines and fees, and promising practices. Findings regarding Arizona's open records law resulted in three common themes (1) the myth that juvenile records are confidential and destroyed once the youth turns 18 years of age, (2) inconsistent policies and practices within and across Arizona's 15 counties, and (3) issues with police reports. Common burdens with regard to juvenile court fines and fees included (1) the high monetary and time-related costs of fines and fees, (2) inconsistent policies and practices within and across Arizona's 15 counties, and (3) the encumbrances of these policies well into the youth's adulthood. Finally, several promising practices were articulated, and included, for example, providing a destruction of juvenile record clinic, reducing detention facilities and increasing supportive youth centers, and coordinating between juvenile court and law enforcement. Across all Arizona counties, interviewees expressed the need for juvenile courts to better support youth and voiced their commitment to helping youth succeed.

INTRODUCTION

In the United States (U.S.) the juvenile justice system has primary oversight of youth who come in contact with legal authorities. Some youth become involved with the juvenile justice system because they are accused of committing a delinquent or criminal act. Others come into contact with the system for status offenses - actions that are illegal only because of a youth's age - such as underage drinking, truancy, and running away from home.

While arrests of juveniles have trended downward since 2009, the number of youth arrested remains significant with an estimated 728,280 juvenile arrest in 2018 (Office of Juvenile Justice and Delinquency Prevention (OJJDC), 2019). Given this, efforts to address crime and related issues among youth in the juvenile justice system continues to be a critical health and social issue (Stevens, 2016). Along with improving treatment for adolescents, recent efforts have also been made to address juvenile justice policies that cause harm to youth and their families and keep youth from becoming successful adults. Two issues that are particularly burdensome and harmful to youth include (1) open juvenile record laws, and (2) the high costs of court-related fines and fees imposed on youth and their families involved in the juvenile justice system (Freierman, Goldstein, Haney-Caron, and Columbo, 2016; U.S. Department of Justice, 2017).

In addition, inequities in the juvenile justice system have long been noted – particularly concerning disproportionate race/ethnic minority contact in the system. For example, in 2018 black youth were 2.6 times more likely than their white peers to be arrested (OJJDC, 2019), and black youth were more than five times as likely to be detained or committed (The Sentencing Project, 2017). The percent of males involved in the juvenile justice system is much higher than females – with 70% of all 2018 juvenile arrests being male (OJJDP, 2019). While there are little national data on youth who are dually involved (i.e. youth involved in both the child welfare system and the juvenile justice system), research indicates that they are more likely to be detained by law enforcement, more likely to face harsher consequences when they encounter the juvenile justice system, and twice as likely to recidivate compared to youth not involved in the child welfare system (see Criminal Law & Policy, 2019). Youth ages 15 to 17 are accountable for 70.2% of all juvenile offences (OJJDP 2019). Moreover, a higher percent of youth from lower socio-economic status families are involved in the juvenile justice system (Connolly, Lewis, and Boisvert, 2017). In 2018, 16.2% of youth lived at or below the poverty threshold (OJJDP, 2019) – a sizable percent of the youth population. For youth from financially-challenged families (which more often than not includes ethnic/race minority youth and dually-involved youth) unfair burdens placed on them by juvenile courts keep them from being successful. Not surprisingly, open juvenile record laws and court-imposed fines and fees are two such burdens.

Questions emerge with regard to whether juvenile court laws and policies support the rehabilitative intent of the juvenile justice system, who comes into contact with the juvenile justice system, and which youth are more or less successful when discharged from the system. The *Wellbeing of Juvenile Justice-involved Youth in Pima County Arizona* white paper addresses these issues.

This white paper begins with a brief history of the juvenile justice system in the U.S. including reasons for having a juvenile court that is separate from an adult court. Despite having a separate court for juveniles that is focused on rehabilitation, burdensome and harmful juvenile court laws and policies are still in place. We discuss open record laws and court-imposed fines and fees, and describe how these burdens impact justice-involved youth. Arizona state level data describing youth involved in Arizona’s juvenile justice system is presented along with detailed data from Pima County Juvenile Court showing disparities related to which youth successfully complete juvenile probation. Finally, we highlight how having a “successful discharge status” is related to court-imposed fines and fees policies and subsequent record destruction or record expungement along with qualitative data on best practices for working with justice-involved youth and their families.

History of Juvenile Justice in the U.S.

Juvenile courts in the U.S. were created over a century ago to recognize that children should be treated differently than adults. The origin of a systematized legal course for minors can be traced back to the Illinois Act of 1899 (Bilchik, 1999; House, 2013). This Act created the first U.S. Juvenile Court in Chicago, Illinois. The Act and its subsequent model of juvenile justice posited that minors’ capacity for criminal action and criminal responsibility is different than that of adults. The spirit of this legal reform changed the role of the court and judge from one of punitive social control to a rehabilitative social welfare model (House, 2013). The judge, assisted by social welfare workers, was to meet each child’s individualized needs. This ideology of nuanced levels of criminal responsibility focused less on the discreet criminal offense and more intently on the background of the offender as

well as the youth's capacity for rehabilitation. In essence, juveniles were viewed as being more amenable to rehabilitation compared to adults (Coupet, 2000). For the most part this concept still holds true today.

As with most social movements, pendulums swing - including the views and approaches to juvenile justice (Stevens, 2016). In the 1950s, concerns emerged regarding juvenile courts' abilities to rehabilitate youth. The length of time and number of juveniles who were institutionalized as well as the overall lack of rehabilitative effectiveness was underscored (Bilchik, 1999). However, despite these negative perspectives, support for justice-involved juveniles increased again in the late 1960s. In 1968, Congress passed the Juvenile Delinquency Prevention and Control Act recommending that juveniles charged with status offenses (due to minor status) be handled outside of juvenile court. And, in 1974, Congress passed the Juvenile Justice and Delinquency Prevention Act that tied grant funding to the deinstitutionalization of status offenders and the separation of juvenile offenders from adult offenders (Bilchik, 1999).

During the 1980s, the direction of the pendulum changed again. The juvenile justice system was criticized for being ineffective and costly. This criticism dovetailed with the public's unfounded perception that violent juvenile crime was on the rise and the system was too lenient (Coupet, 2000). This period, colloquially known as "get tough on crime" resulted in more punitive consequences for juvenile offenders, resulting in movement away from rehabilitation and towards incarceration. This trend accelerated in the 1990s contributing to tougher laws (e.g., mandatory sentencing) and incarceration for minor offenses, which resulted in greater numbers of juveniles being confined and overcrowded in juvenile correctional facilities (Center on Juvenile and Criminal Justice, 2016). Arrests for juveniles peaked in 1996 with nearly 2.7 million arrests (U.S. Department of Justice, 2019).

More recently there has been return toward rehabilitation as a deterrent to recidivism and a concerted effort to reduce the number of youth held in detention centers (Stevens, 2016). This shift in approach towards juvenile offenders comes, in part, as a result of new studies on brain development showing that youth are developmentally different from adults. The malleability and rapid growth of the adolescent brain offers substantial potential for rehabilitation (House, 2013; Soler, Shoenberg, & Schindler, 2009).

Most states have acknowledged that some juvenile court laws, policies, and practices do not align with the unique mission of juvenile courts, and most states are moving away from punitive actions given the negative impact they have on youth and their family's current and future wellbeing. These negative impacts are broad and include (1) reduced economic stability and advancement, (2) diminished physical and mental health, and (3) abated social wellbeing.

Open Juvenile Court Records

Arizona is one of just seven states that deem all juvenile delinquency records available to the public (Shah and Strout, 2016). Since there are limited record expungement opportunities, the status quo results in juvenile dispositions appearing on background checks for employers (including the military), landlords, and even colleges and universities (Shah, Fine, and Gullen, 2014). Moreover, there is a common misconception that that juvenile records are confidential which contributes to justice-involved youth and their families not understanding the need for the expungement or destruction of juvenile records. Most states do not keep track of when or how juvenile records are accessed. When states make records available online or to the public, they also do not keep track of who gains access to juvenile record information. One study found that 66% of colleges collect record information; 33% consider misdemeanor offences negatively, and 20% deny admissions based on the offence (Shah and Strout, 2016). The protection of juvenile records needs to be strengthened – particularly given of the fact that the vast majority of youth in the juvenile justice system have committed non-violent offences.

In Arizona, people are often denied jobs, housing, and higher education opportunities due to the stigma of having been involved in juvenile court proceedings (Stevens and Sargus, 2019). While exceptions are appropriate for public safety purposes that consider the nature of offenses, making juvenile records public is a direct harm to social justice, economic and educational opportunity, ability to live in safe housing, and having the opportunity to

be gainfully employed with access to health insurance (Stevens and Sargus, 2019).

Fortunately, in 2018, an Arizona working group, the Juvenile Adjudication Set Aside Workgroup, was formed to address Arizona's open juvenile court record laws. This Workgroup reviewed the burdensome legislation and proposed new legislation to restructure procedures and requirements for setting aside adjudications and for juvenile record destruction. While the new proposed legislation does not go far enough, Arizona House Bill 2055 was enacted on August 27, 2019. This legislation provides for youth-affirming changes including automatic sealing of juvenile records that are classified as "diversion" - low level juvenile offenses such as status offenses. HB 2055 removes numerous requirements and adds helpful requirements along with clarifying responsibilities (see Attachment 1 and 2). In addition, the Workgroup streamlined court procedures. While youth must still apply separately for record expungement or record destruction in each Arizona county in which they were court-involved, the Workgroup developed simplified forms that can be used across all 15 Arizona counties along with instructions for completing the forms (see Attachment 3 destruction of record forms).

Juvenile Court Fines and Fees

Fines and fees are routinely imposed in juvenile court in excess of a youth or their family's ability to pay. The U.S. Department of Justice (2017) addresses the nation's juvenile courts on this topic noting that "Families burdened by these obligations may face a difficult choice, either paying juvenile justice debts or paying for food, clothing, shelter, or other necessities. The costs of fines/fees may foreclose educational opportunities for system involved youth and their families." A national report released on juvenile fines/fees states "the inability to pay pushes the youth further into the juvenile justice system and increases the family's economic distress" (Feierman, Goldstein, Haney-Caron, and Columbo, 2016).

In Arizona, unpaid fines and fees may keep youth from successfully completing juvenile probation. Without a "successful" or in some cases "neutral" designation, youth are often denied their request for record expungement or record destruction. Additionally, unpaid fines and fees can turn into a civil judgement which can then follow the youth into adulthood - sometimes resulting in the garnishing of earned wages. These fines and fees reduce the ability of youth to attain economic stability and advancement as adults, create tough choices for families who need to decide whether to buy groceries, pay rent, or instead pay juvenile court fines and fees. This also causes other hardships such as mental and emotional stress (Sargus and Stevens, 2019).

A report by the National Juvenile Defender Center (2018), estimates that 90 to 99% of Arizona's youth and families involved in delinquency cases meet indigence standards, yet "nothing in juvenile court is free" placing heavy burden on impoverished families. For example, probation monetary assessment for child adjudicated incorrigible can be up to \$150; a DUI traffic fine ranges between \$250 to \$500, and a fine for criminal damage by drawing or inscribing on any public/private building/structure/surface without owner's permission is \$300 to \$1,000. A list of court-related fines and fees, the amount, whether a reduction is possible and/or waivable, and who is responsible for the fee (e.g., parent or child) is included in Attachment 4. These fines and fees keep court-involved youth and families tethered to the juvenile justice system and oftentimes this burden follows youth well into their adulthoods.

Arizona state-level and county-level data on the number of applications for juvenile record expungement and record destruction and the number of juvenile records expunged/destroyed was not made available to the researchers by Arizona Office of the Court (AOC) or juvenile courts within each of Arizona's 15 counties. It appears that these data are not concisely collected or tracked and/or are difficult to retrieve. Additionally, while data are available on the costs of various fines and fees, family and youth-level analyses were not possible, as it was not clear which youth and families were assessed fines and fees and which youth and families paid or did not pay their fines and fees. Paying one's fines and fees is necessary to complete juvenile probation successfully; and expungement and destruction of one's juvenile records is dependent on having completed juvenile probation successfully. Thus, there is a need for a closer look at who successfully completes juvenile probation along with

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innovative strategies that increase youth success. Data collected for this white paper addresses these critical issues.

METHODS

Our preliminary attempts to retrieve and analyze data on Arizona Juvenile Court fines and fees indicate that some data are not available, are stored in different systems, and are entangled within Superior Court data, making analysis difficult. Moreover, attempts to collect information on the number of requests for juvenile record destruction or expungement and the number/percent of requests that were approved by the Court is not available. Given the lack of data to inform on these burdens, the research team accessed:

- Publicly available Arizona Office of the Court data on youth involved in Arizona's juvenile justice system,
- Publicly available Arizona Superior Court data on fines and fees assessed and collected along with data on Arizona Court revenue,
- Pima County Juvenile Court (PCJC) data provided by Pima County to the research team. This data set includes data across four fiscal years (2014-2015; 2015-2016; 2016-2017; 2017-2018) on the number of successful and unsuccessful juvenile court cases by ethnicity, gender, dependency status (single or dually-involved), age, and zip code. These data were further stratified by (1) juvenile standard probation, (2) juvenile intensive probation, and (3) juvenile diversion cases.

In addition to the quantitative data, in 2018, the research team conducted 32 qualitative interviews with juvenile court professionals including judges, probation officers, clerks, attorneys, research staff, Court Appointed Special Advocates, and administrators across all 15 Arizona counties. Interviews focused on (1) open record laws, court-imposed fines and fees, and other burdens placed on youth and families, and (2) promising practices for working with youth and their families to mitigate such burdens and provide opportunities for youth to be successful.

For the purposes of this white paper, the research team utilized publicly available state-level data from the 2017-2018 fiscal year; PJCC standard probation data for the 2017-2018 fiscal year; PCJC standard probation four-year trend data (2014-2015 through 2017-2018); and findings from the qualitative interviews.

FINDINGS:

Youth Involved in Arizona's Juvenile Courts

During the fiscal year of 2017-2018, there were approximately 975,729 youth ages 8 to 17 years of age living in Arizona. During this same time period, 2.2% of these youth (n= 21,659) were referred to the juvenile courts in Arizona. Given that some of these youth were referred more than once, the total number of referrals was considerably higher (n= 31,387). The majority of referred youth were male (67.3%) and almost half (48.6%) were either 17 or 18 years of age. White youth accounted for 44.1% of referred youth, Hispanic youth 35.5%, and African American youth accounted for 11.7% of referred youth. Not surprisingly, given the large population in Maricopa County, almost half (47.0%) of referred youth resided in Maricopa County. Notably, a relatively small percent of youth were referred for the most serious offences. Only 9.8% of males and 4.3% of females were referred for a felony offense against persons. And, only 9.6% of males and 3.7% of females were referred for a felony offence against property (Kelroy, Jones, and Rhudy, 2019). A higher percent of dually-involved youth are entangled in Arizona's juvenile justice system. And, while precise data on socioeconomic status of youth involved in Arizona's courts is not known, one report estimates that 90 to 99% of Arizona's youth and families in delinquency cases meet indigent standards (National Juvenile Defender Center, 2018).

Five-year trend data regarding justice-involved youth in Arizona is good news as it shows substantial decreases in multiple areas. For example, as detailed in the chart below, decreases were evidenced in the number of youth referred (-19.8%), the number of youth who had petitions filed (-16.2%), the number of youth detained/held in a detention facility (-38.1%), the number of youth with diversion referrals (-30.2%), the number of youth on

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standard probation (-26.4%), and the number of youth on intensive probation (-17.9%) (Kelroy, Jones, and Rhudy, 2019). These numbers are lower than the actual number of referrals, petitions, and detainments given that some youth are referred, petitioned, and detained more than once in any given year.

Arizona Office of the Courts: Juvenile Court Five Year Data Comparison (2014 to 2018).

# of Youth Referred	Decreased from 26,991 to 21,659	19.8% decrease
# of Youth with Petitions Filed	Decreased from 9,032 to 7,570	16.2% decrease
# of Youth Detained	Decreased from 5,952 to 3,684	38.1% decrease
# of Youth with Diversion Referrals	Decreased from 12,286 to 8,571	30.2% decrease
# of Youth on Standard Probation	Decreased from 4,929 to 3,629	26.4% decrease
# of Youth on Intensive Probation	Decreased from 1,089 to 894	17.9% decrease

Arizona Court Revenue

In Arizona, Juvenile Court is part of the Superior Court – the state’s general jurisdiction court. Among other responsibilities, Superior Court has jurisdiction over a number of different types of cases, serves as the Appellate Court for justice and municipal courts, includes Juvenile Court and Tax Court, provides adult and juvenile probation services, and provides for arbitration (Arizona Judicial Branch, 2020).

In 2017, Arizona courts collected a total of \$344,491,690 in revenue. Of this total, 32.4% was from the fines, sanctions, and forfeitures category while 47.2% was from court fees (Arizona Court Revenue, 2018). In 2017, Arizona’s Superior Court revenue totaled \$87,806,412. Revenue specific to Juvenile Court is somewhat difficult to untangle within Superior Court data since it is unclear whether some revenue categories (e.g., administrative/screening fee, general fund fees, electronic monitoring fee) include only adults or adults and juveniles. However, the Annual Court Revenue (2018) states that, in 2017, revenue from “Probation-Juvenile Assessment Fee” was \$675,248, revenue from “Probation-Juvenile Diversion Assessment Fee” was \$437,471, revenue from “County Juvenile Detention Reimbursement Fund” was \$524,260, and revenue from “Juvenile Victim’s Rights Fee” was \$110,303. These four categories alone total \$1,747,282 or 2.0% of Superior Court’s 2017 revenue.

As noted earlier, paying court-related fines and fees including restitution must be completed to be given a successful discharge status – a designation given when one completes all requirements of juvenile probation including these payments. Given the lack of data on who does/does not pay their fines and fees and the number/percent of youth who apply for and are granted juvenile record expungement or record destruction, a closer look at which youth leave juvenile court with a “successful” will help illuminate disparities in youth success and potential for record expungement and record destruction.

Pima County Juvenile Court Data: Youth Success

The research team requested and received Pima County Juvenile Court (PCJC) data on youth discharge status across four years with regard to ethnicity, gender, dependency status, age, and zip code (see Attachment 5). These data were provided by the court and organized by the research team. Discharge status for youth on Standard Probation (SP) was examined and included the following discharge status terms:

- Successful: Youth completed all juvenile probation requirements.
- Unsuccessful: Youth did not complete all juvenile probation requirements.
- Juvenile Intensive Probation Services (JIPS): Youth was moved to JIPS. This is not a case closure and it is not necessarily a negative outcome.
- No Judgement: Considered to be a neutral outcome, which may allow for youth to have their case viewed as successful.
- Turned 18: Youth who aged out of the juvenile justice system. Not indicative of a successful or unsuccessful outcome.

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- Transfer: Youth transferred to another jurisdiction. Not indicative of a successful or unsuccessful outcome.
- Department of Juvenile Corrections (ADJC): Youth transferred from county-level juvenile court to an Arizona state facility. Not necessarily a negative outcome.

For the purposes of this report, we highlight the data on youth who were successful and unsuccessful given that the other discharge status categories do not adequately inform on a youth's final court standing.

Ethnicity:

In FY 2017-2018, there were 225 successful youth and 46 unsuccessful youth. African American youth had the highest percent of successful completions (68.4%), followed by White youth (63.5%). Asian/NHPI/Other evidenced the highest percent of youth who were unsuccessful (18.2%) - although this only included two youth. Native Americans followed with 13.6% of youth being unsuccessful.

The 2017-2018 data did not follow the same pattern as data from previous three years in which the highest percent of successful youth across the three years was Asian/Other followed by White youth, and in which the percent of unsuccessful youth across the previous three years was highest among Native American youth.

Many reasons may account for the range in successfulness with regard ethnicity such as discrimination, stereotyping, family income and support, intergenerational trauma, fear of the court, as well as PCJC strategies to increase success. Given that Native American youth comprised, on average, the highest percent of unsuccessful youth across all four years, PCJC should consider strategies for working with Native American youth and families to achieve a high success rate.

Gender:

In FY 2017-2018, there were 225 successful youth and 46 unsuccessful youth. Females had the highest percent of successful youth (74.4%) compared to males (55.1%). Males evidenced a higher percent of unsuccessful youth (12.6%) compared to females (10.1%).

The 2017-2018 data generally follow the data from the previous three years in which the highest percent of successful youth was female across the three years. Males had a higher percent of unsuccessful youth in two of the three years.

The higher percent of females being successful may be due to females committing less severe crimes, being less visible for re-arrest, and being more receptive to interventions or treatment. Moreover, gender-responsive programming for girls has been highlighted in recent years and even more recently for those who identify as LGBTQ. These data may highlight the call for more gender specific programming for males.

Dependency:

In FY 2017-2018, there were 225 successful youth and 46 unsuccessful youth. Youth without a dependency status (e.g., not involved in the child welfare system) had a higher percent of successful youth (59.9%) compared to youth with a dependency status (52.6%). Youth without a dependency status also had a higher percent of unsuccessful youth (12.3%) compared to youth with a dependency status (10.5%).

The 2017-2018 data generally follow data from the previous three years in which the highest percent of successful youth was youth without a dependency status across the previous three years. Youth without a dependency status had a higher percent of unsuccessful youth in two of the three years.

The literature suggests that dually-involved youth are more likely to be detained, face harsher consequences, and have higher rates of recidivation. While family support may be lacking for many of these youth, they may also face stereotyping, greater surveillance, and may have different treatment needs.

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Age:

In FY 2017-2018, there were 225 successful youth and 46 unsuccessful youth. Youth who were 18 years of age had the highest percent of successful youth (84.0%) followed by youth 15 years of age (64.2%). Youth who were 17 years of age evidenced the highest percent of youth who were unsuccessful (23.6%).

The 2017-2018 data generally follow data from the previous three years in which the highest percent of successful youth were youth who were 18 years of age. However, contrary to the 2017-2018 data, in the previous three years the highest percent of unsuccessful youth were youth who were 17 years of age.

Options for youth who turn 18 years and are still involved in juvenile court are limited as they can not be placed on JIPS, transferred to another jurisdiction, or placed in DOJC. It may be that the majority of these youth are permitted a benefit of aging out and discharged as successful so that they enter adulthood with less juvenile court involvement complexities. Given that youth who were 17 years of age evidenced the highest percent of being unsuccessful for three of the four years, great emphasis might be placed on intervening with these youth to increase the number of successful discharges.

Zip Code:

In FY 2017-2018, there were 82 successful youth and 15 unsuccessful youth living in Pima County's five zip codes with the highest number of court-involved youth. Because the research team was unable to gain access to data on the socio-economic status of youth and families involved in PCJC, we used zip code as a proxy for socio-economic status. In FY 2017-2018 youth living in the 85706 zip code had the highest percent of successful youth (83.3%). Youth living in the 85705 zip code evidenced the highest percent of youth who were unsuccessful (18.2%).

The 2017-2018 data did not follow data from the previous years. Zip codes with the highest percent of successful youth varied each year including the previous three years (85705, 85710, and 85713). Similarly, zip codes with the highest number of youth who were unsuccessful also varied including the previous three years (85711, 85710/85711; 85730).

Looking at the 2017-2018 data, youth from the 85706 zip code had the highest percent of successful youth. This zip code is predominately Hispanic (82.5%), has a median household income of \$32,518, and 74.2% of students qualify for free or reduced school lunch program. The 2018 zip code that had the highest percent of unsuccessful youth was 85705. This zip code is evenly split Hispanic (43.9%) and White (43.8%), has a median household income of \$29,705, and 63.4% income of students qualify for free or reduced school lunch program.

A consistent pattern of success and unsuccessfulness was not evidenced; variations occurred across the four years and across zip codes. Success may be more related to police surveillance, opportunities to engage in treatment and community service, and access to court-supported services. When looking at zip code data, zip codes closer to PCJC may have somewhat higher success rates. Given the large size of Pima County of 9,189 square miles, youth and families may have difficulty with getting to juvenile court for hearings and other appointments or accessing community service opportunities. Juvenile court may want to consider providing court-related services throughout the local community making it easier for youth and families to comply with court-related mandates.

Juvenile Court Burdens

Findings from the 32 qualitative interviews across Arizona's 15 counties uncovered a number of challenges with regard to Arizona's open juvenile record laws and court-imposed fines and fee policies. Common themes relating to these two burdens are presented below.

Open Record Laws

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Findings from the 32 interviews revealed three major themes (1) the myth that juvenile records are confidential and destroyed once the youth turns 18 years of age, (2) inconsistent policies and practices within and across Arizona's 15 counties, and (3) police reports.

Many youth and families assume that juvenile records are kept confidential and are automatically destroyed or sealed when the youth ages out of the juvenile justice system. Moreover, many youth-serving professionals (e.g. case managers, recovery coaches) hold this false assumption as well. Often times youth do not realize that their juvenile record exists and is open to the public until years later - after they turn 18 - when applying to an educational program, for a job opening, or for housing.

Lack of consistent policies and practices regarding records destruction within and across counties was identified as one of the most significant burdens for youth and families navigating the system. This burden is amplified because youth must apply for expungement or destruction of their juvenile record in every county in which they have a juvenile court case. Notification of the right to apply for record expungement varied widely from county to county. For example, in La Paz County, families were verbally notified at the time of first contact with the juvenile justice system while, in Pinal County, a probation officer informed youth on their 18th birthday. Several interviewees explained that the process to apply for record expungement or record destruction is confusing and the majority of counties do not provide legal assistance. Pima County is one of the few counties that provides legal assistance, although contract attorneys (versus public defenders) may not view this assistance as part of their contract. Interviewees from the Pima Juvenile Division Public Defenders offices explained that prior to applying for expungement or destruction of the juvenile record, juvenile public defenders will run background checks for pending charges, unpaid fines and fees, and other barriers that could result in a denial. Unfortunately, the majority of Arizona youth are at a disadvantage as this service is not provided in most counties.

Notification of the right to apply for record expungement varied widely from county to county. The process to apply for expungement or destruction is confusing and the majority of counties do not provide legal assistance.

Police reports was a third prominent barrier identified by almost all of the interviewees. Even if youth are successful in obtaining expungement or destruction of their juvenile record, police reports are not expunged/destroyed and may still be available to the public. This presents two major problems for youth (1) charges on the police report are often different than the charges pursued by juvenile court which can be misleading for individuals and agencies accessing records, and (2) if youth do not save their records from juvenile court, there is no available documentation of the case outcome and the police report stands alone. For youth applying to the military or other agencies, which do more extensive background checks, this can be particularly problematic.

Fines and Fees Policies

With regard to court-imposed fines and fees, the research team discussed the lack of quantitative data with many of the interviewees (e.g., clerk's office personnel; probation officers) who noted that fines and fees data was generally not tracked. While probation officers often assisted with reduction or waiver requests they did not keep data on how many families were granted a reduction or waiver for juvenile court fines or fees.

Findings from the 32 interviews revealed three major burdens (1) the high monetary and time-related costs of fines and fees, (2) inconsistent policies and practices within and across Arizona's 15 counties, and (3) the encumbrances of these policies well into the youth's adulthood.

Findings from the interviews highlighted the burdensome monetary and time-related costs associated with court-imposed fines and fees. Youth and families accumulated fines and fees for a number of court related expenses including fees for probation, detention, counseling, residential treatment, and administrative fees. In many counties, additional fees were applied for families who could not pay all the fines/fees at once and needed to be

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put on payment plans. Often times families were faced with the difficult decision of paying bills or paying court-related fines and fees. While interviewees noted that fee waivers or reductions are possible, they mentioned that many family members did not have time off from work or home duties nor the resources (e.g. transportation, childcare) to go to court to provide information to apply for waivers and/or reduction in fees. When asked what changes could be made to mitigate burdens for families, most interviewees indicated that fines and fees (with the exception of restitution) should be eliminated.

Many family members did not have time off from work or home duties nor the resources (e.g. transportation, childcare) to go to court to provide information to apply for waivers and/or reduction in fees.

As with open record laws, findings from the interviews revealed a lack of consistency in policies and practices within and across Arizona's counties with regard to court-imposed fines and fees. Various practices for notifying families of the option to apply for fee waivers and reductions were present across the counties. Some youth and families were notified by probation officers and others by a judge. The process to apply for these waivers and reductions also varied widely. Some counties only verbally asked about the family and youth's ability to pay, while other counties required extensive documentation such as paycheck stubs and tax returns. Interviewees noted that documentation requirements can pose a problem for families hesitant to provide personal information to government agencies. This might be particularly true for immigrant families or others families fearful of the legal system. Furthermore, findings from the interviews revealed that outcomes of requests for fee waivers and reductions vary widely from judge to judge. Interviewees reported that some judges have a reputation for fairly granting waivers and reductions, while others had a reputation for almost always denying these requests.

Fines and fees can, and often will, follow youth and families long after the youth turns eighteen. Findings from the interviews reveal that all Arizona counties participate in the tax intercept program which allows the court to intercept state income tax refunds. Additionally, wages can be garnished. And, as noted previously, unpaid fines and fees can result in a denial of the expungement or destruction of juvenile records. This creates a spiral of negative outcomes - from the inability to enroll in educational and vocational programs, to obtaining employment, to accessing housing. This, in turn, may affect the youth's ability to have employment that provides a living wage with associated health and retirement benefits, safe and affordable housing, and access to health and educational opportunities for themselves and their future families.

Arizona House Bill 2055

Arizona House Bill 2055 was enacted August 27, 2019. While the new legislation does not address all of the burdens placed on juvenile court-involved youth and families, it does provide some relief. For example, the new legislation:

- Prohibits the clerk of the court from charging filing fees for an application to destroy juvenile records,
- Allows the court, on a showing of good cause, to modify any monetary obligation (except for restitution),
- Requires the court to inform a juvenile, in writing, of the juvenile's right to the destruction of the juvenile's court and Arizona Department of Juvenile Corrections records at the juvenile's disposition hearing, and
- Requires the juvenile court, the clerk of the superior court and the juvenile probation department, on notification by the probation department, to destroy the records that concern a referral or citation that did not result in further action or that resulted in a successful completion of diversion within 90 days after the person who was the subject of the referral or citation reaches 18 years of age.

Successful Strategies for Working with Court-involved Youth

In addition to Arizona's new legislation that advances supportive policies and streamlines complicated procedures, findings from the 32 qualitative interviews revealed that across all Arizona counties, juvenile court personnel advocated for youth and articulated their commitment to the success of all youth. They provided

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examples of a number of innovative and supportive strategies for working with juvenile court-involved youth and families. Four strategies are highlighted below.

Pima County Destruction of Records Clinic:

The Pima County Destruction of Records Clinic was established in January 2018 by the Pima Juvenile Division Public Defenders office. The clinic provides “one stop shopping” for previously court-involved youth. Clinic attorneys and volunteers provide assistance with completing applications for record expungement and record destruction as well as providing information on immigration, voting registration, and higher education grants and scholarships. Presently, the clinic is temporarily closed while volunteers are being recruited and training on the new legislation is completed. However, individuals can make appointments to meet with attorneys privately who will assist with the expungement or destruction of record process.

Apache County LOFT Legacy Teen Center:

Apache County closed its detention facility which averaged 1.7 youth per day and contracted with Pinal County when there is a need for a youth to be retained in a detention center. In September 2017, Apache County converted its detention facility to a youth drop in center. If police are called to a home for domestic disturbance and the family meets certain criteria, the youth can stay in one of two respite rooms. These rooms are set up like a bedroom and the stay is completely voluntary. Staff assess the youth’s needs and make appropriate referrals for youth and family. This process provides respite for families and keeps youth out of the juvenile justice system. The LOFT has begun to track the feasibility and success of program activities. They reported that referrals to juvenile court went down over 55% between 2017-2018. Moving forward, the LOFT may produce an annual report to outline their efforts and progress.

“Police know they can bring youth to the LOFT any time just to cool off...especially if leaving youth in a situation will result in them being charged” Quote from Apache County Interview

Navajo County Hope, Unity, and Belief (HUB) Youth Center:

Similar to the LOFT, the HUB was set up due to the low number of youth in juvenile detention. It provides a place for respite while diverting youth from the juvenile justice system before a situation escalates to the point where youth would be referred. Additionally, the Juvenile Probation Department partnered with Navajo County Instruction for Success (NCIS) to provide staff including two full-time teachers to assist with school credit recovery and obtaining a high school diploma. Additional services provided include pro-social activities (e.g., music instruction, hiking, life skills classes) for youth. The HUB reported that the community response has been very positive. Feedback from the community noted that efforts to work with youth rather than incarcerate youth are appreciated.

Graham County Juvenile Court and Sheriff’s Department Agreement:

Graham County Juvenile Court created a form letter for youth applying to the military to explain that the court automatically dismisses diversion cases. Diversion cases include low level offenses, such as status offenses or first-time misdemeanor offenses. These diversion cases avert formal court proceedings and instead use informal means such as community service to resolve cases. This, in effect, addresses the youth behaviors without drawing them further into the juvenile justice system.

The Graham County form letter explains that while the youth may have an arrest record, there is no record of the case in juvenile court. Graham County also provides statute that explains that if a youth successfully completes

the consequences, the program's resolution shall not be used against the juvenile in any further proceeding and is not an adjudication of incorrigibility or delinquency. The resolution of the program is not a conviction of crime, does not impose any civil disabilities ordinarily resulting from a conviction and does not disqualify the juvenile in any

“The court and Sheriff’s Department have a mutual commitment to work together to eliminate barriers for youth” Quote from Graham County Interview

civil service application or appointment. In addition, a probation supervisor sends the Destruction of Record order to the Sheriff. The Sheriff then flags the record noting that it is not to be disseminated.

CONCLUSION

U.S. juvenile courts were created to provide a separate legal course for minors aimed at supporting youth success. Yet, juvenile court laws, policies, and practices can be burdensome to court-involved youth and their families and impede youth from becoming successful adults. In Arizona, open records laws and juvenile court fines and fees are two such burdens that need to be addressed. Based on the research conducted for this white paper, recommendations with regard to these burdens include:

- Arizona's juvenile courts need to create uniform policies and practices in relation to expungement and destruction of juvenile records including, for example, how and when youth are informed of the process along with providing aid in completing required paperwork.
- The number of requests for destruction and expungement of juvenile records and the number granted and denied needs to be collected by county and year; and by youth demographics including race/ethnicity, gender, dual participation, age, and family economic status. In addition, this data should include type of crime and other relevant information.
- New legislation that moves beyond HB 2055 needs to be proposed so that additional protections with regard to juvenile records can be put in place.
- Juvenile court fines and fees should be abolished.
- If juvenile fines and fees are not abolished, greater data specificity regarding revenue gained through court-imposed juvenile fines and fees, who is unable to pay, and the consequences for non-payment should be collected by county and year; and by youth demographics including race/ethnicity, gender, dual participation, age, and family economic status. In addition, this data should include type of crime and other relevant information.
- Alternatives to juvenile court involvement including alternatives to detention should be implemented to support youth and increase their success. In addition, evaluation activities that track the feasibility and success of these alternatives need to be employed.

The authors hope that this report can be used as a resource with regard to burdens placed on court-involved youth and their families what can be done at the legislative, policy, and practice levels for promoting the success of Arizona's justice-involved youth.

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GLOSSARY OF TERMS

Adjudication (Delinquency): The court process that determines if the juvenile committed the act for which he or she is charged. The term "adjudicated" is analogous to "convicted" and indicates that the court concluded that the juvenile committed the act.

Adjudication (Dependency): The court process that determines if a child is a victim of abuse or neglect and is in need of proper and effective parental care.

Delinquent: Refers to a child who commits an act that if committed by an adult would be a criminal offense or a petty offense or a violation of any law that can only be violated by a minor (e.g. truancy).

Delinquency Records/Cases: Refer to records or cases involving a child who is adjudicated to have committed a delinquent act.

Dependent: Refers to a child who is adjudicated to be in need of proper and effective parental care and control and who has no parent or guardian, or one who has no parent or guardian willing or able to exercise such care and control.

Diversion: A community based alternative program or diversion program administered by the court. Before a petition is filed or an admission or adjudication hearing is held, the county attorney may divert the prosecution of a juvenile who is accused of committing a delinquent act or a child who is accused of committing an incorrigible act to such programs.

Incorrigible: Refers to a child who has been adjudicated as refusing to obey reasonable orders from their guardian, a danger to self or others, is a runaway, or fails to obey court orders in a noncriminal action.

Juvenile Detention Center: A facility separate and apart from a jail or lockup, in which adults are confined and where juveniles who are alleged to be delinquent or children who are incorrigible can be placed.

Juvenile Intensive Probation Services (JIPS): Highly structured and closely supervised juvenile probation which emphasizes surveillance, treatment, work, education and home detention.

Juvenile Records: Records maintained by Juvenile Court that include arrest records, notations of referrals involving delinquent acts, delinquency hearings, disposition hearings, probation hearings, appellate review, and diversion proceedings.

LGBTQ: Refers to Lesbian, Gay, Bisexual, Transgender, Queer/Questioning individuals.

Petition: A written statement of facts that allege delinquency, incorrigibility or dependency.

Record Destruction: In Arizona “record destruction” occurs when the juvenile court, the clerk of the superior court and the juvenile probation department, destroy the records that concern a referral or citation that did not result in further action or that resulted in a successful completion of diversion within ninety days after the person who was the subject of the referral or citation reaches eighteen years of age. The original is no longer available.

Record Expungement: In Arizona “record expungement” means the same “record set aside”. Record expungement means to cancel or revoke a judgement or order. Usually the record is modified or changed. The original is still available.

Reduction: When the court determines that the applicant is not required to pay the full amount of court fees originally assessed.

Referral: A report that submitted to the juvenile court and that alleges that a child is dependent or incorrigible or that a juvenile has committed a delinquent or criminal act.

Restitution: Payment ordered delinquency cases where there is a victim. Payments are related to out-of-pocket costs to the victim including property loss, damage, or personal injury. In Arizona, payments can be in the form of money or community service. Restitution payments may not be waived or reduced.

Standard Juvenile Probation: Supervision ordered by the juvenile court of children who are found to be delinquent.

Status Offense: Refers to offenses that would not necessarily be considered crimes if they were committed by adults. Examples include curfew violations, running away from home, and truancy.

Waiver: When the court determines that the applicant is not required to pay juvenile court fees unless the applicant’s financial circumstances change during the case.

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