



# Juvenile Justice in Arizona: The Fiscal Foundations of Effective Policy

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# **Juvenile Justice in Arizona: The Fiscal Foundations of Effective Policy**

## **Introduction**

Like many other states, Arizona has gradually reduced the number of young people it sentences to juvenile prisons in favor of placing them on probation and accessing community-based services. This in part results from the agreement among practitioners, advocates and scholars that most states have historically locked up too many young people, a practice that usually does little to preserve public safety and renders too many youth less able to succeed upon release. There will always be a need to confine some small number of high-risk juvenile offenders, but a number of developments both recent and longer-term, suggest that Arizona has an opportunity to move further along the path of reduced youth incarceration.

These developments include:

- A multi-year decline in juvenile arrests
- Research showing that adolescents' neurological processes differ from those of adults in significant ways that must be accounted for when dealing with young offenders
- A large number of studies confirming that confining youth in secure facilities too often has serious and lasting negative effects on their development
- A related body of research showing that most juvenile offenders can be safely, effectively and more cheaply treated through community-based supervision and treatment
- A continuing drop in commitments to the Arizona Department of Juvenile Corrections (ADJC)'s Adobe Mountain School, Arizona's only remaining secure youth facility

However, the fiscal architecture underlying Arizona's juvenile system has recently been nudged in the opposite direction – away from promoting community-based treatment. A budget measure passed in the spring of 2015 by the Arizona Legislature reduces the funds that counties could focus on community treatment – and effectively penalizes those that do champion such treatment by adding mandatory costs to support incarceration. The measure, Senate Bill 1478, imposed a new annual fee on each of the 15 counties – in amounts based on their total populations – to help support the ADJC budget. Gov. Doug Ducey's proposed FY2017 budget for ADJC retains the \$12 million contribution from the counties, while cutting operations costs by \$1.9 million due to the declining census at Adobe Mountain.

This report will discuss the potential impact of SB1478, note how some other states are dealing with these same issues, and set out a number of policy options facing the state.

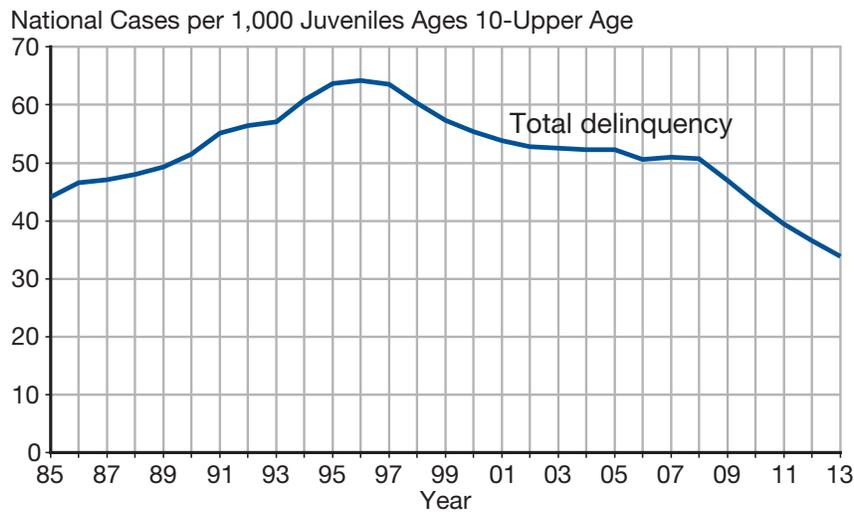
## **I. Crime and Punishment Decline**

America has experienced a remarkable drop in crime and punishment during the past two decades. Most states have enjoyed a multi-year decline in juvenile as well as adult crime and arrests. Nationwide, total juvenile court caseloads declined by 37% between 2004 and 2013. Between its peak year, 1997, and 2013, the national number of delinquency cases per 1,000 juveniles declined 44%.<sup>1</sup>

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<sup>1</sup> National Center for Juveniles Justice; [ojjdp.gov/ojstatbb](http://ojjdp.gov/ojstatbb)

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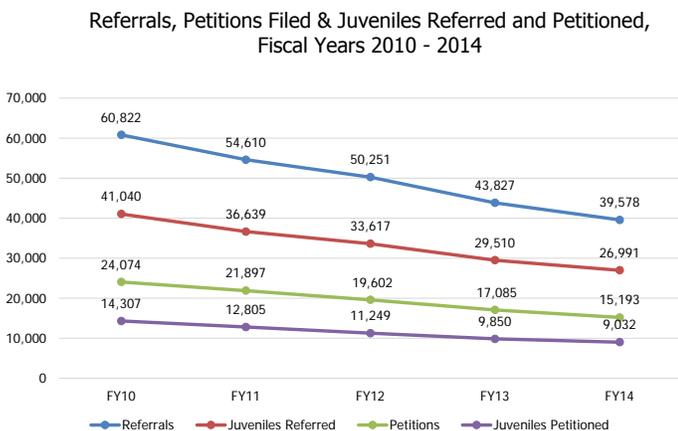


Source: Nation Center for Juvenile Justice

The story is similar in Arizona. Arrests of young people<sup>2</sup> in Arizona have declined from 53,697 in 2004 to 29,164 in 2014, a drop of 54% – and a decline in the rate of arrests per 1,000 youth from 64 to 32. Looking only at more serious (Part I) offenses, juvenile arrests were down 51%, from 13,520 in 2004 to 6,896 in 2014.<sup>3</sup> It’s worth noting that these declines have occurred in Arizona while the state’s youth population has increased by more than 10% and while fewer and fewer offenders have been sentenced to secure confinement.

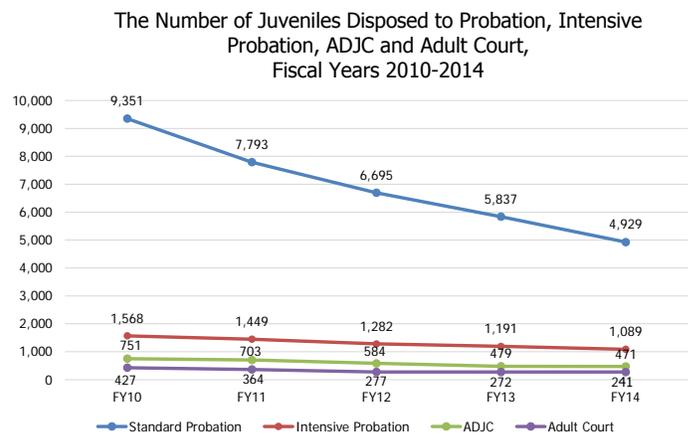
Arizona’s decline in juvenile arrests has been echoed in court referrals and dispositions.<sup>4</sup> As Figure 1 shows, the numbers of youth entering the “front end” of the system have dropped steadily from

**Figure 1**



Source: Supreme Court of Arizona

**Figure 2**



<sup>2</sup> The Arizona Department of Public Safety’s annual report, *Crime In Arizona*, counts juvenile arrests, but not crimes

<sup>3</sup> *Crime In Arizona* [http://www.azdps.gov/About/Reports/Crime\\_In\\_Arizona/](http://www.azdps.gov/About/Reports/Crime_In_Arizona/). Part I offenses include murder, sexual assault, robbery, aggravated assault, burglary, larceny and auto theft; arson is also sometimes included

<sup>4</sup> The following charts are taken from: Supreme Court of Arizona, Administrative Office of the Courts, Juvenile Justice Service Division (FY 2014) Arizona’s Juvenile Court Counts. <https://www.azcourts.gov/Portals/29/JJSD%20Publication%20Reports/Juveniles%20Processed/AZJuvCourtCounts-FY14.pdf>

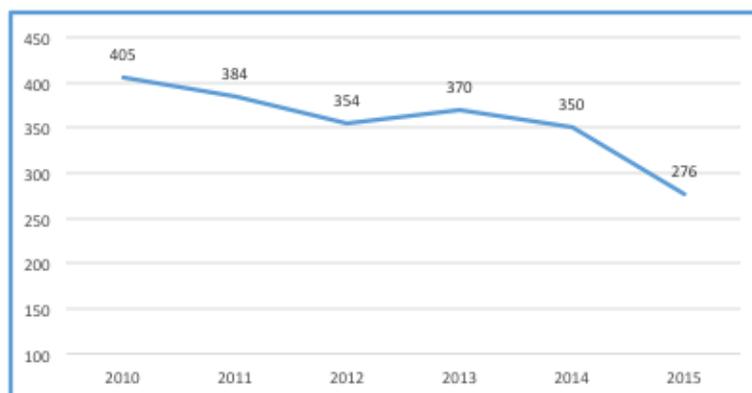
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FY2010 through FY2014. These include youth who were referred to the court or petitioned by a county attorney (the charts include both number of individuals and numbers of events because one youth may receive multiple referrals/petitions during one year). Referrals, which can be made by police, parents, school officials or others, are the most common method of entry into the system.

The pattern is the same (Figure 2) for dispositions of youth offenders, whether they were sent to probation, intensive probation, ADJC or adult court. Here, standard probation is by far the most common outcome, while disposition to adult court is the least.

Finally, the declines in arrests and dispositions have been reflected in the steadily shrinking numbers of youth being sent to ADJC.<sup>5</sup> On the last day of September, 2010, the department housed 405 youth in secure confinement. By 2012, that number had declined to 354. By the end of September 2015, there were 276 youth held at Adobe Mountain, a decline of 68% from 2010. The census continued to drop over the following three months, to 265 in October, 253 in November and 227 in December, in part perhaps because most misdemeanants are no longer eligible to be sent to secure confinement.

ADJC Census, 2010-2015\*



\*Based on population on the last day of September  
Source: ADJC

## II. The Case Against Confinemen

Despite these striking declines in arrests and dispositions, secure confinement remains a major tool of juvenile justice systems in Arizona and elsewhere. The United States still leads the industrialized world in its incarceration rate of young people,<sup>6</sup> with some 50,000 youth residing in detention or secure confinement. The arguments for the incarceration of young people are similar to those usually advanced in support of adult confinement: incapacitation, deterrence, and rehabilitation.<sup>7</sup> Youth locked up in secure confinement cannot commit further offenses outside

<sup>5</sup> Arizona Department of Juvenile Corrections, "Just the Facts," multiple years. These number do not include juveniles on probation from ADJC

<sup>6</sup> Annie E. Casey Foundation, Reducing Youth Incarceration in the United States, 2013; <http://www.aecf.org/resources/reducing-youth-incarceration-in-the-united-states/>

<sup>7</sup> "Retribution" or "punishment" is sometimes also cited

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the institution. Deterrence theory maintains that the experience of confinement will discourage the confined youth and other potential offenders from breaking the law. And though the average length of stay in ADJC confinement is typically about seven months in Arizona, this period, supporters of confinement say, could offer an opportunity to provide education, substance abuse treatment, and other services (though such services could also be provided possibly more cheaply in youths' own communities).

But the results of confinement, in Arizona and elsewhere, are not encouraging. A large body of research questions the case for incarceration along three general paths:

- Routine use of incarceration does not reduce delinquency, and may promote it
- Adolescents' brains are different from adults' brains. Many youths' delinquent behavior is at least, in part, the result of the fact that they are less able to focus on tasks, resist impulsive actions and adhere to rules; yet most can amend their ways with a supportive environment as their brains mature
- A high percentage of children entering the juvenile justice system suffer from mental illness and/or the aftermath of trauma

Locking up youthful offenders, research indicates, not only does not decrease future criminal behavior but may increase it (See Massoglia, Holman<sup>8</sup>). Mallett, for example, found no correlation with re-arrest or recidivism rates in a population leaving secure placements.<sup>9</sup> He further concludes that time spent in prison or prison-like facilities harms adolescent development, decreases cognitive and social functioning and lessens adolescent abilities to function independently or develop effective social and coping skills.

These findings were echoed in a 2010 California study by Stahlkopf,<sup>10</sup> who examined that state's incarceration and crime trends during the past half century. She reported failure to demonstrate reduced crime rates through higher levels of youth incarceration, "calling deterrence and incapacitation theories into serious question as effective youth crime reduction strategies."

Mendel noted that a 2009 meta-analysis<sup>11</sup> of 361 research studies measuring the effects of programs designed to rehabilitate young offenders found "no significant relationship ... between recidivism effects and the level of juvenile justice supervision." Mendel reported in 2011<sup>12</sup> that, over the previous four decades, 57 lawsuits in 33 states including Arizona (in 1993 and again in 2004) required reforms in response to alleged abuse or otherwise unconstitutional conditions in youth prisons. Most of the allegations, Mendel found, included systemic violence, physical or sexual

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<sup>8</sup> Massoglia, Michael and Christopher Uggen (2010) "Settling Down and Aging Out: Toward an Interactionist Theory of Desistance and the Transition to Adulthood," *American Journal of Sociology*, 116:2; Holman, Barry and Jason Ziedenberg (2006) "The Dangers of Detention: The Impact of Incarcerating Youth in Detention and Other Secure Facilities," *Justice Policy Institute*

<sup>9</sup> Mallett, Christopher (2015) "The incarceration of seriously traumatised adolescents in the USA: Limited progress and significant harm," *Criminal Behaviour and Mental Health*

<sup>10</sup> Stahlkopf, Christina, et.al., (2010) "Testing Incapacitation Theory: Youth Crime and Incarceration in California," *Crime & Delinquency*, 56: 2.

<sup>11</sup> Mendel, Richard (2015) *Maltreatment of Youth in U.S. Juvenile Corrections Facilities: An Update*, 2015, Annie E. Casey Foundation

<sup>12</sup> Mendel, Richard, (2011) *No Place for Kids: The Case for Reducing Juvenile Incarceration*, Annie E. Casey Foundation

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abuse by facility staff, and/or excessive use of isolation or restraint.<sup>13</sup>

A major study that questioned the value of incarceration – generating the nation’s most comprehensive data set about serious juvenile offenders – was partially conducted in Maricopa County. The *Pathways to Desistance Study*<sup>14</sup> followed 1,354 serious offenders in the Valley and in Philadelphia County for seven years after conviction. Its key findings included

- Most youth who commit felonies greatly reduce their offending over time, regardless of any interventions
- Longer stays in youth prisons do not reduce recidivism
- Community-based supervision is effective for youth who were incarcerated for serious offenses
- Substance-abuse treatment reduces both substance use and criminal offending for some period of time

Similarly, Aizer and Doyle<sup>15</sup> examined data on 35,000 youth who came before a Chicago juvenile court and concluded that “for juveniles on the margin of incarceration,...detention leads to both a decrease in high school completion and an increase in adult incarceration...” The authors added that, “[T]he results suggest that a continued move toward less restrictive juvenile sentencing would increase human capital accumulation and lower the propensity of these juveniles to become incarcerated as adults without an increase in juvenile crime.”

### III. A Vulnerable Population

The negative impact of incarceration can be magnified, research indicates, by the fact that many incarcerated youth are psychologically vulnerable and suffer from higher than average rates of behavioral disorders.

Arizona is no different. According to ADJC statistics,<sup>16</sup> among the youth committed to secure confinement in FY14

- 31% suffered from a serious mental illness
- 21% were in special education
- 18% were dually adjudicated – delinquent and dependent
- 18% arrived with zero high school credits

The ongoing Northwestern Juvenile Project, a longitudinal study of a random sample of Cook County (Metropolitan Chicago, Illinois) juvenile detainees, found that 66% of males and 74% of

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<sup>13</sup> Similar allegations have been leveled at Arizona’s youth prisons. Some resulted in the 1993 Johnson v. Upchurch federal consent decree, which contained 109 provisions mandating reforms in treatment programs, health care, discipline, education, staffing ratios and population limits. In 2003, three separate youths committed suicide while in ADJC custody, which led to an investigation by the U.S. Department of Justice under the Civil Rights of Institutionalized Persons Act (CRIPA). In 2004, the Justice Department concluded that “serious constitutional deficiencies” existed within ADJC facilities’ suicide prevention measures, correctional practices, medical and mental health services as well as educational programming. The state entered a settlement agreement with the U.S. Department of Justice that required extensive oversight and consultation at state expense for three years to remedy deficiencies found in ADJC’s facilities

<sup>14</sup> Mulvey, Edward P. (2011) “Highlights From Pathways to Desistance: A Longitudinal Study of Serious Adolescent Offenders,” *Office of Juvenile Justice and Delinquency Prevention*, U.S. Department of Justice

<sup>15</sup> Aizer, Anna and Joseph J. Doyle (2013) “Juvenile Incarceration, Human Capital and Future Crime: Evidence from Randomly-Assigned Judges,” National Bureau of Economic Research Working Paper 19102

<sup>16</sup> Arizona Department of Juvenile Corrections (2015) Research and Development Bureau, *New Commitment Demographic Data*

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females suffered from at least one psychiatric disorder.<sup>17</sup> African American and Hispanic detainees received significantly fewer services than non-Hispanic White youth. Three years after the baseline interview, 17% of all detained youth had developed antisocial personality disorder (APD).

Holman's review of youth corrections literature shows that detention has a profoundly negative impact on young people's mental and physical well-being, their education, and their employment. One study found that for one-third of incarcerated youth diagnosed with depression, the onset of the depression occurred after they began their incarceration.

Since the 1990s, Mallet reports, reviews of incarcerated young offenders have found their incidence of mental disorders to be at least twice and serious trauma histories up to 60 times those found in the general adolescent population. Ford found<sup>18</sup> that confined youth often have histories of complex trauma – such as victimization, life-threatening incidents and interpersonal losses – that can damage early childhood development and attachment bonding, placing the youth at risk for a range of serious problems, including depression, anxiety, oppositional defiance and substance abuse.

These ills may be especially prevalent among minority youth. Nationally, the presence of racial and ethnic disparities in juvenile justice systems – i.e., different levels of punishment for the same or similar offenses – has been well documented.<sup>19</sup> Cochran and Mears,<sup>20</sup> for example, found that “minority youth, especially Black males, are not only more likely to receive punitive sanctions, they also are less likely than White youth to receive rehabilitative interventions....” They added that “The results underscore the salience of race, ethnicity, and gender in juvenile court decisions about punitive sanctioning and rehabilitative intervention.”

In a 2008 analysis<sup>21</sup> of Arizona's system, Rodriguez found that “Blacks, Hispanic/Latinos, and American Indian juveniles were treated more severely in juvenile court outcomes than their White counterparts. Also, juveniles who were detained were more likely to have a petition filed, less likely to have petitions dismissed, and more likely to be removed from the home at disposition.” In a subsequent examination<sup>22</sup> of Disproportionate Minority Contact (DMC) in Arizona, Rodriguez and her colleagues found that, while the magnitude of DMC was in decline in the state, racial and ethnic disparities were still found in detention, petition, adjudication and disposition to ADJC.

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<sup>17</sup> *OJJDP at a Glance*, January-February 2013, Office of Juvenile Justice and Delinquency Prevention, U.S. Department of Justice; [http://www.ojjdp.gov/newsletter/240749/sf\\_2.html?utm\\_source=JUVJUST92215&utm\\_medium=email&utm\\_content=BeyondDetention&utm\\_campaign=juv-just&ed2f26df2d9c416fbddddd2330a778c6=cegaolln-cngnihgu](http://www.ojjdp.gov/newsletter/240749/sf_2.html?utm_source=JUVJUST92215&utm_medium=email&utm_content=BeyondDetention&utm_campaign=juv-just&ed2f26df2d9c416fbddddd2330a778c6=cegaolln-cngnihgu)

<sup>18</sup> Ford, Julian D., et al., (2012) “Complex Trauma and Aggression in Secure Juvenile Justice Settings,” *Criminal Justice & Behavior*, 39: 6

<sup>19</sup> See, for example, Spohn, Cassia and David Holleran (2000) “The Imprisonment Penalty Paid by Young, Unemployed Black and Hispanic Male Offenders” *Criminology* 38; Fader, Jamie, et al. (2014) “The Color of Juvenile Justice: Racial Disparities in Dispositional Decision,” *Social Science Research* 44; Rodriguez, Nancy (2008) “A Multilevel Analysis of Juvenile Court Processes: The Importance of Community Characteristics,” National Institute of Justice # 223465

<sup>20</sup> Cochran, Joshua and Daniel Mears (2014) “Race, Ethnic, and Gender Divides in Juvenile Court Sanctioning and Rehabilitative Intervention,” *Journal of Research in Crime and Delinquency*, 52:2

<sup>21</sup> Rodriguez, (2008)

<sup>22</sup> Rodriguez, Nancy, et al. (2014) “Arizona's Juvenile Justice System: Disproportionate Minority Contact Assessment,” Arizona State University for the Arizona Governor's Office for Children, Youth and Families

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Race/Ethnicity of Admissions to ADJC  
Fiscal Years 2010 - 2014

Race/Ethnicity	FY 2010	FY 2011	FY2012	FY 2013	FY 2014
Hispanic	50%	47%	46%	47%	48%
Caucasian	27%	29%	31%	29%	26%
African American	14%	15%	14%	16%	7%
American Indian	5%	5%	5%	5%	7%
Mexican National	2%	3%	4%	2%	5%
Asian	<1%	<1%	<1%	1%	<1%
Other	<1%	<1%	<1%	<1%	<1%

Source: ADJC

### IV. The Benefits of “Staying Home”

The body of research that questions the role of incarceration in the juvenile justice system meshes with that which supports community-based treatment for all but a small percentage of young people.

Between the 1960s and mid-1990s, Austin<sup>23</sup> reports, significant research demonstrated that community-based programs such as probation, intensive supervision, group homes and day reporting centers were more effective than traditional confinement programs in reducing recidivism and improving community adjustment. Community-based alternatives to detention and confinement tend to reduce crowding, cut costs, shield offenders from the stigma of institutionalization, help offenders avoid associating with youth with more serious delinquent histories, and maintain positive ties between the youth and his/her family and community.

The same approaches have found success even with those youth who public safety determines warrant secure confinement. For years, Missouri has been placing high-risk youth into small facilities located near their homes and families, rather than in large, distant prisons. The youth are closely supervised in small groups and receive extensive individual attention. The program helps them develop academic, pre-vocational, and communications skills as well as insights into their delinquent behavior. The program also involves family members in the treatment process, and supports youth returning home – especially in the first weeks following release – while working to enroll them in school and/or help them find jobs. The “Missouri Model,” which has won widespread praise, has brought significant declines in recidivism in that state, measured both as re-commitment to a juvenile institution due to new crimes or technical parole violations, or commitment to an adult institution.

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<sup>23</sup> Austin (2005)

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### V. A Change in Arizona's Fiscal Architecture

Arizona has steadily reduced the number of youth committed to ADJC despite the fact that the state's fiscal architecture has actually provided an incentive for counties to do the opposite. Juvenile justice in Arizona operates mostly at the county level. Youth charged with delinquent behavior are referred to county juvenile courts. If not diverted from the formal court process, and adjudicated delinquent, they receive a disposition resulting in some form of probation or commitment to ADJC. Probation officers monitor court-ordered conditions of probation that may include counseling, education, substance abuse treatment, restitution and/or other treatment programs carried out on contract by private providers.

Most probation operations statewide, and the officers who staff them, are funded by a combination of county and state money, mixtures that can vary from county to county and over time. In general, the counties pay for most personnel and operating costs, while the state pays for most services. The counties pay the entire costs of detention, which is by far the largest single expenditure at nearly \$60 million in FY2015.

In other words, counties share the costs of juvenile probation staff and pay all the costs of detention, while the state has – until Senate Bill 1478 – paid the full costs of incarceration in a juvenile prison operated by ADJC. That is, committing a youth to ADJC had relieved the county courts and juvenile probation departments of spending its resources on the child, and shifted all the costs to the state.

Percentages of Total Commitments to ADJC by County, FY14		
COUNTY	COUNT	PERCENT
Apache	1	0.21%
Cochise	36	7.64%
Coconino	20	4.25%
Gila	10	2.12%
Graham	8	1.70%
Greenlee	2	0.42%
La Paz	2	0.42%
Maricopa	241	51.17%
Mohave	27	5.73%
Navajo	5	1.06%
Pima	32	6.79%
Pinal	32	6.79%
Santa Cruz	11	2.34%
Yavapai	17	3.61%
Yuma	27	5.73%
<b>TOTAL</b>	<b>471</b>	<b>100.00%</b>

Source: Supreme Court of Arizona

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The major fiscal provisions in Senate Bill 1478, passed in Arizona’s 2015 legislative session, could strengthen counties’ incentive to incarcerate. SB 1478 contains three major provisions. Two are in keeping with the trend of evidence-based programming, and should tend to further reduce the number of Arizona children incarcerated at ADJC’s Adobe Mountain. Those provisions are:

- Raising the minimum age for commitment to ADJC custody from 8 to 14
- Restricting commitments in most cases to youth adjudicated delinquent for a felony, misdemeanants who have a record of prior felonies, and youth who are seriously mentally ill

It is SB1478’s third major provision that has stirred concerns. As originally crafted, SB1478 created a “DJC Local Cost Sharing Fund” that would pay 25% of ADJC’s budget. The Governor’s proposed budget would have required each of Arizona’s 15 counties to contribute funds to ADJC proportionate to the number of young people the county juvenile court judge commits to ADJC custody. The total contribution from the 15 counties had to equal \$12 million. In this form, the bill could have functioned as a fiscal incentive for counties to send fewer youth to ADJC s Adobe Mountain.

In the waning hours of the legislative session, however, the basis for the fee payments was changed. The version of SB 1478 that ultimately passed requires each county to pay its share of the \$12 million based on the county’s total adult and child population – regardless of how many youth it sends to ADJC’s Adobe Mountain. This altered the funding requirements facing each county, as follows:

Original SB1478: County Fees by Number of Youth Committed to ADJC		Final SB1478: Fees Paid by Total County Populations	
Apache	\$25,200	Apache	\$134,300
Cochise	\$916,800	Cochise	\$246,600
Coconino	\$510,000	Coconino	\$252,400
Gila	\$254,400	Gila	\$100,600
Graham	\$204,000	Graham	\$69,900
Greenlee	\$50,400	Greenlee	\$15,800
La Paz	\$50,400	La Paz	\$38,500
Maricopa	\$6,140,400	Maricopa	\$7,166,000
Mohave	\$687,600	Mohave	\$375,800
Navajo	\$127,200	Navajo	\$201,700
Pima	\$814,800	Pima	\$1,840,300
Pinal	\$814,800	Pinal	\$705,400
Santa Cruz	\$280,800	Santa Cruz	\$89,000
Yavapai	\$433,200	Yavapai	\$396,200
Yuma	\$687,600	Yuma	\$367,500

Source: Calculated from Supreme Court data

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### VI. An Added Incentive?

The new arrangement could function as a fiscal incentive for incarceration as a county is already paying to support the state juvenile prison. The new fees in fact penalize counties, notably including Pima County, that have worked successfully to reduce the number of youth sent to ADJC and instead utilized local treatment alternatives. Pima County was an early Arizona site of the Annie E Casey Foundation's Juvenile Detention Alternatives Initiative (JDAI).<sup>24</sup> Today, seven counties in Arizona participate in JDAI.

The new fees, which went into effect July 1, 2015, have not, through December, resulted in increased commitments to ADJC, whose census continues to drop. And several county probation directors said in interviews that they doubted the fees would significantly influence a court's decision to commit a child to ADJC instead of probation. "But to be real," one said, "there's always this lingering thing in your mind that if I'm paying the bill already, it's basically free to send them."

The financial portion of SB1478 recoups money for the state budget while supporting an increasingly emptying Adobe Mountain.<sup>25</sup> The last-minute changes were reportedly a reaction to concerns by smaller counties that the original payment scheme would leave them vulnerable to even greater costs if other counties began further reducing their ADJC commitments. The original plan had required that aggregate county payments equal \$12 million, regardless of how many youth were committed by which county judge to ADJC. As one official described the original plan: "If it comes down to only one kid being sent to ADJC, that's a \$12 million kid."

County officials have expressed broader concerns about the impact of SB1478, in either of its forms, on their fiscal architecture.<sup>26</sup> Either version, they say, represents a cost-shift that saves \$12 million in the state's General Fund budget at the counties' expense. Nor, they argue, is this an isolated event – noting that, from FY2008 through FY2016, counties have had to absorb nearly \$500 million in costs shifted from the state.

A related concern is that, if SB 1478 does influence some counties to commit youth to ADJC, it may weaken overall efforts to combat disproportionate minority contact (DMC) in Arizona's juvenile justice system and especially among youth in ADJC custody.

### VII. Ideas From Elsewhere

Arizona is far from alone in facing fundamental decisions concerning its juvenile justice system. Many states are increasingly accepting the view that adult-style punishment for young people is more harmful than helpful. To varying degrees, they also are responding to the nationwide drop in youth crime, tightening state budgets, and litigation or investigations over maltreatment, abuse and substandard conditions in secure institutions.

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<sup>24</sup> The Juvenile Detention Alternatives Initiative is a nationwide program of the Annie E. Casey Foundation that helps local governments reduce reliance on local confinement of court-involved youth. <http://www.aecf.org/work/juvenile-justice/jdai/>

<sup>25</sup> This and the following information was obtained via author interviews with individuals knowledgeable about the bill's creation and evolution

<sup>26</sup> Interview with Craig Sullivan, executive director, County Supervisors Association of Arizona

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Among these factors, the prominence of fiscal concerns cannot be denied. Many states operate under funding configurations that inadvertently encourage local jurisdictions to utilize secure incarceration for youth as their primary option.<sup>27</sup> Frequently, as in Arizona until this year, a state pays for secure confinement, charging local jurisdictions little or nothing. Generally, such arrangements have been seen to promote higher rates of incarceration coupled with underdevelopment of community-based treatment options. To address this, some states have begun revamping their allocation of juvenile justice funding.

**Minnesota** sharply reduced its population of confined youth in the wake of a crime bill that expanded the list of offenses considered “petty misdemeanors;” state law already prohibited the detention or confinement of youth charged with petty misdemeanors.

**Illinois** created the Redeploy Illinois program,<sup>28</sup> which provided financial incentives to select counties to reduce use of state-level confinement and develop community-based alternatives. Armstrong reported in 2011 that the program’s results demonstrated that the pilot counties were able to reduce their levels of juvenile commitment to the state.”

**Pennsylvania** reimburses the counties for 80% of the costs of community-based programs, including placement into non-secure group homes, but only for 60% of the cost of secure commitments.

**Louisiana** reduced its incarcerated youth population in the wake of lawsuits and a Human Rights Watch report critical of confinement conditions. In 2003 it restructured the juvenile justice system to develop community-based interventions and create a juvenile justice planning and coordination board.



**Wisconsin’s** Youth Aids program covers the costs of counties’ juvenile programming, but – other than in cases of serious violent crimes – charges counties the full cost for all youth placed in state facilities.

**Ohio**, under its RECLAIM Ohio program, gives counties a fixed budget allocation but requires them to reimburse the state for each youth committed to a youth correctional facility.<sup>29</sup> The fewer youth counties place, the more funds they have available to support local treatment and supervision programs.

**Massachusetts** created a network of small, secure programs for serious offenders<sup>31</sup> complemented by a continuum of structured community-based programs for the majority of delinquent youth.

**Connecticut**<sup>30</sup> sharply reduced residential commitments by developing a network of community-based supervision and treatment programs. The current governor has announced his desire to close the Connecticut Juvenile Training School by July 2018.

**Alabama** has created a strategic plan that favored the least restrictive setting possible and that explicitly stated that incarceration was an inappropriate and unnecessarily expensive response to most delinquent youth; built relationships with local courts, and gave \$1 million in grants to local courts for community-based alternatives to detention.<sup>32</sup>

<sup>27</sup> Justice Policy Institute (2013) “Common Ground: Lessons Learned from Five States That Reduced Juvenile Confinement by More than Half”

<sup>28</sup> Armstrong, Gaylene S. et.al. (2011) “Can Financial Incentives Reduce Juvenile Confinement Levels? An Evaluation of the Redeploy Illinois Program,” *Journal of Criminal Justice*, 39:2

<sup>29</sup> Miller, K., and A. Liotta (2001) RECLAIM Ohio: Building Ohio’s juvenile justice infrastructure,” *Corrections Today*, 63:7; Moon, M. M., et.al. (1997) “RECLAIM Ohio: A politically viable alternative to treating youthful felony offenders,” *Crime and Delinquency*, 43

<sup>30</sup> Mendel, Richard (2013) “Juvenile Justice Reform in Connecticut” *Justice Policy Institute* <http://www.justicepolicy.org/research/4969>

<sup>31</sup> Austin, James, et.al. (2005)

<sup>32</sup> Fazal, S. (2014) *Safely Home: Reducing youth incarceration and achieving positive youth outcomes for high and complex need youth through effective community-based programs*, Youth Advocate Programs Policy & Advocacy Center

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In their 2013 report, *The Comeback and Coming-from-Behind States*,<sup>33</sup> the National Juvenile Justice Network and the Texas Public Policy Foundation recognized nine states – California, Connecticut, Illinois, Mississippi, New York, Ohio, Texas, Washington, and Wisconsin – for adopting various measures in the past decade to reduce youth incarceration.

The policies cited by the report included:

- Increased availability of alternatives to incarceration
- Required intake procedures to reduce the use of secure detention (risk-assessment)
- Closing or downsizing secure facilities
- Preventing incarceration for minor offenses
- Restructured financial responsibilities among states and counties

Arizona also has made progress in most of these areas. County officials and those at the Administrative Office of the Courts (AOC) note that the state's juvenile courts are increasingly basing their intake, adjudication and disposition decisions on risk assessments and other evidence-based practices. And in recent years the state has closed all but one of its secure juvenile corrections facilities.



Adobe Mountain School , ADJC

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<sup>33</sup> National Juvenile Justice Network (2013) *The Comeback and Coming-from-Behind States*; this also is the source for reported policy changes in other states

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### Next Steps

The momentum in Arizona is clearly in the direction of reduced youth confinement and more frequent treatment of youth in their communities. SB1478, as originally written, would have supported movement in this direction. In its revised version as passed, it serves as a possible impediment. This concern should prompt a deeper discussion of how to restructure the fiscal architecture to support the policy goals for Arizona's juvenile justice system. That's also because:

- The current era of declining crime, arrest and disposition rates gives state and county officials courts, probation departments and providers breathing room in which to consider new approaches
- As noted, other states have reconfigured their systems' fiscal architecture in ways that provide Arizona with models and experience
- The steady decline of ADJC's Adobe Mountain census raises questions about the utility of spending millions of dollars annually on an old and increasingly vacant set of buildings

Policy options for discussion include:

1. Make no changes. Maintain the current policy and continue to monitor the ADJC's Adobe Mountain census and counties' capacity to provide community treatment.
2. Eliminate the new county fees and revert to the prior funding system.
3. Alter the new fee system to base county contributions on numbers of youth committed to ADJC, while devising a mechanism to protect smaller counties against unaffordable costs.
4. Provide each county with a fixed level of annual funding and require the county to reimburse the state for any youth the county commits to ADJC; the counties keep any remaining funds to utilize for probation and community-based programming.
5. Phase in a plan to close ADJC's Adobe Mountain, abolish ADJC and reinvest the saved funds in probation and community-based programming.

If Arizona does choose to make significant changes in the fiscal architecture of its juvenile justice system, it is unlikely to succeed without a period of planning and preparation, input from a wide range of stakeholders, a statewide inventory of county-level treatment services and detention facilities, and the assurance that sufficient funds will exist to support juvenile justice services wherever they are dispensed. In any case, it does seem an opportune time to re-examine policies that could serve the ultimate shared goals of increasing public safety while promoting better futures for Arizona's troubled children.

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### SOURCES

- Aizer, Anna and Joseph J. Doyle (2013) "Juvenile Incarceration, Human Capital and Future Crime: Evidence from Randomly-Assigned Judges," National Bureau of Economic Research Working Paper 19102
- Albin, Lori (2012) How to Retain Funds for Youth Programming *From the Sale or Lease of Juvenile Facilities*, National Juvenile Justice Network Fiscal Policy Center
- Arizona Department of Juvenile Corrections (2015) Research and Development Bureau
- Armstrong, Gaylene S. et.al. (2011) "Can Financial Incentives Reduce Juvenile Confinement Levels? An Evaluation of the Redeploy Illinois Program," *Journal of Criminal Justice*, 39:2
- Austin, James, et.al. (2005) "Alternatives to the Secure Detention and Confinement of Juvenile Offenders," *OJJDP Juvenile Justice Practices Series*
- Bonnie, Richard, et.al., (2013) *Reforming Juvenile Justice: A Developmental Approach*, National Research Council, the National Academies Press
- Borns, Kristin, (2012) "Juvenile Justice Financing," Children's Action Alliance
- Chesney-Lind, Meda (2009) "Jailing 'Bad' Girls: Trends in Female Juvenile Incarceration," *Conference Papers -- American Society of Criminology*. 2009 Annual Meeting
- Cochran, Joshua and Daniel Mears (2014) "Race, Ethnic, and Gender Divides in Juvenile Court Sanctioning and Rehabilitative Intervention," *Journal of Research in Crime and Delinquency*, 52:2
- Davis, Antoinette, et.al. (2014) *Using Bills and Budgets to Further Reduce Youth Incarceration*, National Council on Crime and Delinquency
- Tony Fabelo, et.al. (2015) *Closer to Home: An Analysis of the State and Local Impact of the Texas Juvenile Justice Reforms*, Council of State Governments/Public Policy Research Center
- Fazal, S. (2014) *Safely Home: Reducing youth incarceration and achieving positive youth outcomes for high and complex need youth through effective community-based programs*, Youth Advocate Programs Policy & Advocacy Center
- Fendrich, M. and M. Archer (1998) "Long-term re-arrest rates in a sample of adjudicated delinquents: Evaluating the impact of alternative programs," *The Prison Journal*, 78
- Ford, Julian D., et.al., (2012) "Complex Trauma and Aggression in Secure Juvenile Justice Settings," *Criminal Justice & Behavior*, 39: 6
- Holman, Barry and Jason Ziedenberg (2006) "The Dangers of Detention: The Impact of Incarcerating Youth in Detention and Other Secure Facilities," Justice Policy Institute
- Justice Policy Institute (2013) "Common Ground: Lessons Learned from Five States That Reduced Juvenile Confinement by More than Half"
- Levin, Marc A. and Bart Lubow (2012) "Juvenile Rehabilitation Versus Incarceration," *Corrections Today*, June/July, 2012
- Lyons, John S., et.al. (2001) "Mental Health Service Needs of Juvenile Offenders: A Comparison of Detention, Incarceration, and Treatment Settings," *Children's Services: Social Policy, Research and Practice*, 4:2

## Juvenile Justice in Arizona: The Fiscal Foundations of Effective Policy

- Mallett, Christopher (2015) "The incarceration of seriously traumatised adolescents in the USA: Limited progress and significant harm," *Criminal Behaviour and Mental Health* 25: 1–9
- Massoglia, Michael and Christopher Uggen (2010) "Settling Down and Aging Out: Toward an Interactionist Theory of Desistance and the Transition to Adulthood," *American Journal of Sociology*, 116:2
- Mendel, Richard (2013) "Juvenile Justice Reform in Connecticut" Justice Policy Institute <http://www.justicepolicy.org/research/4969>
- Mendel, Richard, (2011) *No Place for Kids: The Case for Reducing Juvenile Incarceration*, Annie E. Casey Foundation
- Mendel, Richard (2010) "The Missouri Model: Reinventing the Practice of Rehabilitating Youthful Offenders," Annie E. Casey Foundation
- Mendel, Richard (2015) *Maltreatment of Youth in U.S. Juvenile Corrections Facilities: An Update*, 2015, Annie E. Casey Foundation
- Miller, K., and A. Liotta (2001) RECLAIM Ohio: Building Ohio's juvenile justice infrastructure," *Corrections Today*, 63:7
- Moon, M. M., et.al. (1997) "RECLAIM Ohio: A politically viable alternative to treating youthful felony offenders," *Crime and Delinquency*, 43
- Mulvey, Edward, et. al.,(2004) "Theory and research on desistance from antisocial activity among adolescent serious offenders," *Journal of Youth Violence and Juvenile Justice*, 2
- Mulvey, Edward P. (2011) "Highlights From Pathways to Desistance: A Longitudinal Study of Serious Adolescent Offenders," Office of Juvenile Justice and Delinquency Prevention, U.S. Department of Justice
- National Juvenile Justice Network (2013) *The Comeback and Coming-from-Behind States*
- National Juvenile Justice Network (2012) *The Truth About Consequences, A NJJN Research Summary*
- OJJDP at a Glance, January-February 2013, Office of Juvenile Justice and Delinquency Prevention, U.S. Department of Justice; [http://www.ojjdp.gov/newsletter/240749/sf\\_2.html?utm\\_source=JUVJUST92215&utm\\_medium=email&utm\\_content=BeyondDetention&utm\\_campaign=juvjust&ed2f26df2d9c416fbddddd2330a778c6=cegaolln-cnghihgu](http://www.ojjdp.gov/newsletter/240749/sf_2.html?utm_source=JUVJUST92215&utm_medium=email&utm_content=BeyondDetention&utm_campaign=juvjust&ed2f26df2d9c416fbddddd2330a778c6=cegaolln-cnghihgu)
- Piquero, Alex, et.al. (2006) "Public Preferences for Rehabilitation Versus Incarceration of Juvenile Offenders," *Criminology & Public Policy*, 5:4
- Rodriguez, Nancy, et.al. (2014) "Arizona's Juvenile Justice System: Disproportionate Minority Contact Assessment," Arizona State University for the Arizona Governor's Office for Children, Youth and Families
- Stahlkopf, Christina, et.al., (2010) "Testing Incapacitation Theory: Youth Crime and Incarceration in California," *Crime & Delinquency*, 56: 2
- Tyler, J. L., Ziedenberg, J., & Lotke, E. (2006). *Cost effective corrections: The fiscal architecture of rational juvenile justice systems*. Washington, DC: The Justice Policy Institute
- Teplin, Linda, et. al. (2015) "Psychiatric Disorders in Youth After Detention," Office of Juvenile Justice and Delinquency Prevention, U.S. Department of Justice [www.ojjdp.gov](http://www.ojjdp.gov)
- Vivian, John, et.al. (2004) *The Decline in Arizona Juvenile Crime*, Arizona Department of Juvenile Corrections <http://re-pository.asu.edu/attachments/76698/content/DeclineInArizonaJuvenileCrime.pdf>

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Children's Action Alliance is an independent voice for Arizona children at the state capitol and in the community. Through research, publications, media campaigns, and advocacy, CAA seeks to influence policies and decisions affecting the lives of Arizona children and their families on issues related to health, child abuse and neglect, early care and education, budget and taxes, juvenile justice, children and immigration, and working families.

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