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REPORT TO THE GOVERNOR

BY

THE GOVERNOR'S SELECT COMMISSION ON JUVENILE CORRECTIONS

MAY 17, 1990

Rose Mofford
Governor

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THE GOVERNOR'S SELECT COMMISSION ON JUVENILE CORRECTIONS

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INTRODUCTION

Governor Rose Mofford's decision to appoint a Select Commission on Juvenile Corrections and the Legislature's subsequent passage of Senate Bill 1034 gave Arizona the opportunity to design its own juvenile corrections system free from the direct involvement of the United States District Court. The Court postponed the trial of *Johnson v. Upchurch* so that a plan for Arizona could be developed. With this report, the Commission has completed the first step in that process.

HISTORICAL PERSPECTIVE

Public policy regarding the treatment of young offenders in Arizona has varied significantly over the past twenty years. The current emphasis is on institutional care as opposed to community care. Major swings in philosophy and program have been dependent largely upon the personal dispositions, values and beliefs of the people involved in deciding policy.

Shifts in juvenile policy have been most obvious in the use of institutional beds. In 1970, there were approximately 900 juvenile institution beds in Arizona. Despite a 30% increase in the number of youth at risk, by the year 1980 there were only approximately 350 institutional beds. In 1982, the number began to rise again to our current 844 beds. These shifts have not been in response to crime rates, but in response to public policy.

Decision-making regarding juvenile justice matters in Arizona has frequently been based on political or short-term economic considerations rather than research, case law, and long-term cost benefit.

The creation of the 140-bed Pinal Mountain Juvenile Institution (PMJI) in Globe is an excellent example of decision making based on political and short-term rationales. Although it added 100 State jobs to the troubled local economy, certain limitations, based on its location, undermine its chances for success. Very few youth are committed to the Department of Corrections from the Globe community and they are generally not placed at PMJI. Youth from other areas are placed there, separating them from their communities and families. In addition, recruitment of experienced and appropriately educated and trained staff has been difficult even with the use of salary differentials.

Long-term public safety is best served by juvenile justice policy that is well thought out and based on current research and practices. Arizona has the opportunity now to establish a new course in the making of juvenile justice policy. This opportunity has its roots in litigation that began in 1986.

In 1986, Matthew Davey Johnson, then a resident of Catalina Mountain Juvenile Institution (CMJI) near Tucson, filed a civil rights lawsuit in the United States District Court in Tucson. The suit alleged that Johnson's constitutional rights had been abridged during his confinement. James Upchurch, then the Superintendent of CMJI, was named as defendant.

Johnson's appointed attorney arranged for the participation of the National Center for Youth Law, a San Francisco-based advocacy organization. Shortly thereafter, Johnson's complaint was amended to include a class action for injunctive relief on behalf of all CMJI residents. Other defendants were added.

The plaintiff class has alleged that the Department of Corrections violated the constitutional rights of juveniles in several areas: disciplinary practices, particularly the use of isolation and conditions in the isolation unit; use of handcuffs and shackles; rehabilitative care and treatment; medical care; educational programming; inappropriate placement, evaluation and classification; visitation, correspondence and access to counsel; and parole revocation procedures.

The defendants in *Johnson v. Upchurch* undertook to re-examine Arizona's entire juvenile corrections system in light of applicable case law. The question of whether an incarcerated delinquent juvenile has a constitutional right to treatment has been addressed by a number of the Circuit Courts of Appeals, including the Ninth Circuit, whose jurisdiction includes Arizona. In every jurisdiction that has considered the issue, the Court's analysis begins with the notion that juvenile court proceedings are civil, not criminal. Juveniles are not convicted of crimes in juvenile courts; rather, they are found to be delinquent, and delinquency is considered a condition. The various circuit courts have concluded that delinquency, like mental illness, must be treated, not punished, when it is the basis for incarceration.

The defendants ultimately recommended to Governor Mofford that she appoint a Commission to develop a plan for juvenile corrections and recommended to the Legislature that it pass legislation to create the Department of Juvenile Corrections and establish a separate school district within the new Department. Senate Bill 1034 was passed. It created a new school district for the Department of Corrections, effective July 1, 1991, and created a separate Department of Juvenile Corrections, effective July 1, 1990 (see Appendix A). On September 22, 1989, Governor Mofford issued Executive Order Number 80-22 creating the Governor's Select Commission on Juvenile Corrections (see Appendix B). The accomplishment of those measures resulted in the postponement of the trial of *Johnson v. Upchurch*.

COMMISSION PROCESS

The Commission first met on November 6, 1989 and conducted a total of seven meetings to provide members with the opportunity to hear from national juvenile justice professionals regarding trends in juvenile justice, to review case law and details of the *Johnson v. Upchurch* case from attorneys for the State, and to learn about Department of Corrections programs, policies, and practices from administrators (see Appendix C). The Commission also used these meetings to review research on youth committed to the Department of Corrections in 1989. This research included information on the delinquency histories and needs of these young people as well as on services provided to them prior to commitment (see Appendix D). At all of these open meetings, the Commission also sought comments from the public.

Commission members toured correctional and private provider programs and facilities in Arizona to learn more about the current system and to gather recommendations for the future. A delegation went to Utah to tour facilities and to learn about national trends and the change process in Utah (see Appendix E).

Public Hearings were held in Phoenix, Tucson, Yuma, and Flagstaff so that members could hear regional concerns and solicit recommendations (see Appendix F). Over 145 people attended the Hearings and 54 people gave formal testimony. Others submitted written testimony. Many of the comments made are highlighted in the Recommendations section of this report. Many more were incorporated into the text.

The Commission also developed a Mission Statement and recommendations that would assist the Department of Juvenile Corrections in implementing the Mission Statement and that will assist in establishing juvenile justice policy in Arizona.

MISSION STATEMENT

The mission of Juvenile Corrections is to provide a continuum of supervision and care to meet the individual treatment needs of juvenile offenders while adequately protecting the public. The Department's success in accomplishing this will be measured by the successful preparation of offenders for reentry into society as indicated by a decrease in both juvenile recidivism and conviction in adult criminal court. Juvenile Corrections will:

1. Provide for a system of evaluation for all committed youth that results in an individualized treatment plan which provides for placement in the least restrictive appropriate environment.
2. Provide services and use private sector services that meet the diverse individual treatment needs of committed youth and that are sensitive to multi-cultural differences and environmental influences.
3. Provide for secure treatment-oriented confinement in small regional facilities for offenders who have demonstrated a danger to the community.
4. Provide programs to hold youth accountable for their behavior.
5. Employ professional staff qualified to work with juveniles in a manner consistent with the mission of Juvenile Corrections and promote continuing staff professionalism through education and training.
6. Promote coordination of services among other State agencies, Juvenile Court Services, community, school and other private sector resources.
7. Provide programs to encourage and enable the family to be involved in the services provided to the offender for treatment and rehabilitation.
8. Provide programs to increase public awareness of juvenile corrections, advocacy for juvenile offenders, and participation in Juvenile Justice policy formation.
9. Conduct research and evaluation in order to identify effective programs and to provide for accountability.

RECOMMENDATIONS

SECTION A

Preamble: The role of juvenile corrections must be kept separate from the role of the child welfare system. Children who are neglected, abused, dependent, and mentally or emotionally handicapped need services, but they should not be committed to the correctional system unless their behavior puts their communities at risk. They should not have to wait for meaningful intervention until their needs become so overwhelming and complex that they are dropped at the doorstep of juvenile corrections out of sheer frustration or because they have, in fact, finally become a danger to their communities.

Public Comment:

"I know that the purpose of this group is to look at the issues involving juvenile incarceration. I believe it's impossible to do that unless you look at the broader problems that are plaguing our state when it comes to kids."

Carol Kamin, Ph.D.
Executive Director
Children's Action Alliance

"I have seen too many children adjudicated delinquent as a direct or indirect result of mental health, educational and/or dependency needs which were not met."

Karen Santoro
Attorney

"Unless we get serious about talking about kids in a systematic way, we are lost."

Tom Korff
Superintendent
Catalina Mountain Juvenile Institution

"I have seen the Department of Corrections used as a dumping ground for youths with widely varied problems"

Janet Garcia
Executive Director
Tumbleweed

Commission Recommendations:

1)

It is recommended that the Governor's Office develop a uniform system of child and family evaluation to be implemented across all agencies of state government holding responsibility for children. The focus of this system shall be the earliest possible identification of problems and immediate interventions which reduce the likelihood of inappropriate drift toward or entry into the juvenile corrections system.

2)

It is recommended that the Governor's Office study and evaluate Arizona's entire juvenile justice system so that public policy can be made in an informed way and so that the role of juvenile corrections in the overall juvenile system (including court, social, health, behavioral health, and education services) can be more clearly defined and articulated.

SECTION B

Preamble: The American juvenile justice system is based on the belief that there are fundamental differences between children and adults. As a result, the philosophy and terminology of the juvenile justice system are different than the philosophy and terminology of the adult justice system. In Arizona, the juvenile correctional system is based on the adult correctional model, emphasizing control and de-emphasizing rehabilitative treatment. This emphasis on punishment and control is inconsistent with the mission of the Arizona juvenile justice system. The creation of the new Department of Juvenile Corrections is an excellent first step in reversing this trend.

Public Comment:

"We do not understand why, in the face of a plethora of research to the contrary, the current system in Arizona continues to concentrate on punishment and controls for the benefit of the staff, rather than addressing the issues from the perspective of the developmental needs of the clients."

Stephen Vitali

Executive Director, Devereux Foundation
President, ACCCA (Arizona Council of Centers for Children and Adolescents)

"Theoreticians tell us that adolescents are not little adults. They lack both the reasoning capacity and the wealth of experience of an adult."

Janet Garcia

Executive Director
Tumbleweed

"Adolescent care is much different than adult care."

Sue Krahe

Community Liaison
Amity, Inc.

Commission Recommendations:

3)

It is recommended that the statutes be reviewed, and changed as necessary, to ensure that the overall language reflects the proper emphasis on treatment. It is recommended, for example, that Length of Confinement Guidelines, as mandated in A.R.S. 41-2816.A, and current institutional work requirements, as mandated in A.R.S. 41-2811, be abolished or amended to require work and confinement only if it is consistent with an individual treatment program.

4)

It is recommended that language used within the Arizona Department of Juvenile Corrections be changed to reflect the philosophy of the mission of the Arizona juvenile justice system and that the name of the agency be changed to reflect that philosophy.

5)

It is recommended that the Department of Juvenile Corrections meet or exceed nationally accepted standards in its operations.

SECTION C

Preamble: Arizona's fifteen counties are characterized by different commitment practices and philosophies and by varying levels and types of resources. The Commission has received a clear message from some counties that juveniles who are not a threat to public safety and are not in need of secure care are being committed to the Department of Corrections because of insufficient alternatives at the county level. The Commission has also received a clear message that some of the youth being committed need long-term secure care. Research conducted for the Commission supports both contentions. Research also indicates that many youth are being committed without a psychological evaluation (24% in Maricopa County, 32% in Pima County, and 67% in the rural counties). Treatment should logically follow diagnosis. The absence of a diagnosis makes it impossible to determine the most appropriate treatment approach and setting.

Public Comment:

"They go to DOC, not because they are a serious danger to the community's welfare. They go because our department and rural community have exhausted our very limited resources."

Al Rosen
Assistant Chief Probation Officer
Mohave County

"By the time I finally give up on a kid and send him to the Department of Corrections, we've tried everything. Now that kid is probably going to be treated the same as a child from another county who maybe hasn't gotten those services and that's going to be, probably, the toughest problem you're going to face."

Judge C. Jeffrey Coker
Presiding Judge
Coconino County Juvenile Court

"The problem with putting services into the Department of Corrections is that we have a Hobson's Choice and that is, if you put money there for rehabilitation, it works as a magnet to draw those children on a very quick track to incarceration."

Susan Shetter
Assistant Public Defender
Pima County

"Emphasis should be on treatment alternatives rather than commitment to DOC."

Amanda McGee
Assistant Public Defender
Pima County

Commission Recommendations:

6)

It is recommended that the Department of Juvenile Corrections develop and implement a plan to work with individual juvenile courts to increase alternatives to commitment, especially for youth who do not provide a threat to community safety.

7)

It is recommended that a statewide standardized objective process be developed and implemented to assist probation officers in assessing the appropriateness of recommending commitment in the pre-disposition report.

8)

It is recommended that a statewide standardized, uniformly applied comprehensive diagnostic process be required for all children prior to commitment to the Department of Juvenile Corrections.

9)

It is recommended that adjudicated delinquent children needing secure treatment for a mental or emotional condition should receive such treatment from the Department of Health Services, Division of Behavioral Health, under the jurisdiction of the Department of Juvenile Corrections.

SECTION D

Preamble: Arizona has a responsibility to protect the public from youth who present a threat to public safety. The State also has a responsibility to objectively assess the effectiveness of existing institutional programs and placement policies. Secure institutions, one of the most costly of alternatives, are currently used for all committed youth regardless of their treatment needs or delinquency history. Such a practice is not consistent with individualized treatment or fiscal responsibility. The overuse of institutional care results in a lack of funding for alternative programs. The lack of alternative programs results in overuse of institutional care. Steps must be taken to break this cycle. Steps must also be taken to ensure that youth moving from secure institutions to the community be provided with appropriate transition services.

Public Comment:

"We do not deny that there are those who need to be incarcerated because they are a danger to themselves and to society as a whole, but we believe that those persons are far and away not the majority of the youth in the system. The majority, we believe, need to be assessed and treated according to their individual needs in a system that provides a continuum of care rather than a singular alternative."

Stephen Vitali

Executive Director, Devereux Foundation
President, ACCCA (Arizona Council of Centers for Children and Adolescents)

"Institutions have proven to be an ineffective response to juvenile crime. Community-based programs are cost effective and produce better results."

Tony Alberta

Prevention and Intervention Associates

"I would maintain that with diversification of programming, the State of Arizona might need 100 secure beds at the most . . ."

Al Rosen

Assistant Chief Probation Officer
Mohave County

Commission Recommendations:

10)

It is recommended that a study be conducted to determine the types of services necessary to serve committed youth, including the number of secure beds needed for youth who present a risk to public safety. Research previously conducted for the Commission should be used. The research presented to the Commission was collected in two segments. The Commission recommends that the information be combined and formatted uniformly.

11)

It is recommended that a plan be developed to implement a continuum of care, based on a philosophy of the use of a least restrictive environment.

12)

It is recommended that, in order to ensure adequate resources, additional funding sources be pursued and an advisory group be created to promote a continuum of supervision and care to meet the individual treatment needs of juvenile offenders while adequately protecting the public.

13)

It is recommended that the Department of Health Services be provided adequate funding in order to operate secure psychiatric facilities for juveniles needing such treatment.

SECTION E

Preamble: The mission of the Department of Juvenile Corrections dictates that youth be committed to the Department for the purpose of treatment. Committed youth must realize that simply "doing time" in an institution is not the same as making progress in a treatment program. Youth must be challenged to succeed and given every opportunity to do so. Placement decisions must be based on treatment needs and public safety considerations and not on length of time in any one setting. Care must be taken to observe the due process rights of youth when placement decisions are being made. Care must also be taken to ensure that all of Arizona's committed youth have equal access to services and supervision regardless of who they are or where they live.

Public Comment:

"When I send a kid down there, I want it to mean something."

Judge C. Jeffrey Coker
Presiding Judge
Coconino County Juvenile Court

"Juveniles are released as soon as possible with no apparent regard to their treatment needs or prognosis for successful re-entry into the community."

Gordon Glau
Director of Juvenile Court Services
Yavapai County

"They would rather take a three- to six-month stint there (ADC) with virtually no parole supervision afterwards than deal with the tough, day-to-day challenge of making real changes in their lives. Commitment to the Department of Corrections is becoming less and less a deterrent factor."

Al Rosen
Assistant Chief Probation Officer
Mohave County

Commission Recommendations:

14)

It is recommended that Length of Confinement Guidelines be abolished or amended so that placement decisions, made by the child's treatment team in concert with correctional administrators, are based upon both treatment needs and public safety considerations.

15)

It is recommended that the Arizona Department of Juvenile Corrections institute a parole revocation procedure which ensures that juveniles are provided with due process.

SECTION F

Preamble: There is no doubt that there are young people in Arizona who have clearly demonstrated that they present a threat to public well-being. Because of the severity of their offenses, many of these youth must be confined to a secure setting for intensely supervised treatment. The overall operation and daily schedule do not always promote treatment. In addition, the size, structure, and overall design of the current juvenile institutions do not reflect or promote a treatment-oriented environment. The Commission believes that present institutions should be smaller and that juveniles should be housed in individual rooms where appropriate.

Public Comment:

"I believe that, in addition to fences, locks, and other hardware, it should be of equal importance that the Juvenile Department of Corrections be concerned with protecting our society by being an agent which transmits our culture — those things which we share which, in fact, make us a society. In a most fundamental sense, this is what our mission as juvenile correctional experts is — to prepare the next generation to continue with those things which we hold important."

Rod Marquardt
Chief Probation Officer
Mohave County

"The fact is, vast impersonal institutions are incapable of responding to a juvenile's real crisis in his actual environment, showing him alternatives within his real-world terrain, tailoring programs that respond to his individual needs. I am sure you have experienced also that human behavioral change does not occur at arm's length. It occurs within arms' embrace."

Al Rosen
Assistant Chief Probation Officer
Mohave County

Commission Recommendations:

16)

It is recommended that secure facilities be located regionally so that youth can be treated as close to their community and family as possible.

17)

It is recommended that the size and overall physical design of regional institutions meet treatment needs and security concerns.

18)

It is recommended that nationally accepted standards be met or exceeded in the development and operation of institutions.

19)

It is recommended that exclusion and seclusion only be used for the period of time that a youth is physically out of control and presents an immediate physical threat to self or others.

20)

It is recommended that any institutions built in the future be planned for in conjunction with the development of other facilities providing services to juveniles.

21)

It is recommended that availability of qualified professionals be taken into account when decisions are made regarding location of a facility or other services. Incentives should be developed to enable private providers and other alternative services to locate regionally.

SECTION G

Preamble: People who work with juveniles committed to the Arizona Department of Juvenile Corrections must be qualified to do so in a manner consistent with a treatment philosophy. There must be an adequate number of professionals along the entire continuum to provide effective care, treatment, and supervision.

Public Comment:

"ACCCA is deeply concerned that most of the individuals working directly with the youth in corrections institutions have no formal training or education in the issues that youths themselves are trying to understand."

Stephen Vitali

Executive Director, Devereux Foundation
President, ACCCA (Arizona Council of Centers for Children and Adolescents)

"We have an opportunity to now build a system that utilizes case management and that views corrections as a part of a larger picture of the individual needs of the youth we serve. We also have the opportunity to cut caseloads to manageable sizes in order to meet the needs of the youth in the least restrictive environment. For those youth who are in need of a secure setting, it would seem if we worked in smaller groups and with trained staff to actually treat the youth, the return rates would decrease."

Sue Krahe

Community Liaison
Amity, Inc.

". . . we think that all the staff that are employed by this new agency should have experience and training in providing services to troubled youth."

Ida Wilber

Arizona Chapter
National Association of Blacks in Criminal Justice (NABCJ)

Commission Recommendations:

22)

It is recommended that the entire personnel structure be revised so that recruitment, hiring, training and promotional practices attract and retain professionals qualified to work effectively and positively with youth.

23)

It is recommended that the training programs for juvenile corrections staff be separate from training programs for adult corrections staff.

24)

It is recommended that direct treatment staff have a minimum of an Associate of Arts degree.

25)

It is recommended that the ratio of direct care institutional staff to youth not exceed 1:8.

26)

It is recommended that the Department of Juvenile Corrections develop the human resources needed to provide services to youth. We recommend, particularly, ensuring the proper acquisition of medical and clinical services.

27)

It is recommended that the ability to recruit professionals in outlying areas be a consideration in the location of regional services and facilities.

SECTION H

Preamble: Private providers have a history of being responsive to local needs and issues. They also have the ability to bring programs on line rapidly and the flexibility to design programs to meet individual needs. They are often able to bring in additional revenue to offset costs. Their presence provides the State with competition from which to select services. These private providers, as part of the community fabric, have the ability to network and access ancillary services more effectively. Private providers, due to their involvement with a variety of populations, bring a unique perspective to committed youth.

Public Comment:

"Arizona should make maximum use of appropriate private providers to supplement a community-based program."

Dave McKell
Associate Professor
Northern Arizona University

"We need to work with contractors in a way that makes sense. We need multi-year contracts . . . in many ways we are running for office every year."

Rod Mullen
Executive Director
Amity, Inc.

"The private sector brings flexibility and specialization capabilities not possible in a large bureaucracy."

Janet Garcia
Executive Director
Tumbleweed

Commission Recommendations:

28)

It is recommended that the private sector be involved in providing a complete array of treatment services.

29)

It is recommended that a variety of mechanisms be explored to encourage and increase the participation of private providers along the entire continuum. Multi-year contracts, start-up grants, government insured loans, government sponsored liability insurance, and bond programs should be among the options explored.

SECTION I

Preamble: Research conducted for the Commission indicates that almost all of the youth being committed have experienced problems in their previous school settings. In order to prepare these young people for success in society, their educational needs must be addressed. The creation of a separate school district is an important step in this process.

Public Comment:

"If a child does not succeed academically or socially in the first three grades, he has a strong probability of truancy, leading, in turn, to behavior which leads to incarceration."

Jean Halpin
Public Policy Chair
Arizona Division, American Association of University Women

"I believe there are a number of youth involved in the system that are appropriate for a public education system and . . . there is a way for these youth to re-enter an educational system and receive an appropriate and relevant education."

Tom Carr
Metro Tech High School

"And there wasn't a lot of emphasis on the education . . . I was labeled 'emotionally handicapped' . . . which pretty much only meant I needed to be in smaller, contained classes—there wasn't much of that available."

John Paul Baker
Staff Aide, Amity, Inc.
(Committed to the Department of Corrections as a juvenile)

Commission Recommendations:

30)

It is recommended that an educational assessment be required as part of the standardized diagnosis and evaluation to be completed prior to commitment.

31)

It is recommended that an Individual Education Program be part of each child's treatment plan.

32)

It is recommended that a system be developed to ensure that educational records are shared in a timely manner within the Department and between the Department's school district and local school districts.

33)

It is recommended that stronger efforts be made to transition youth into a community education system. Stronger statutory language should be considered, if necessary, to accomplish this goal.

34)

It is recommended that the personnel requirements and compensation for teachers in the correctional education system be set at a level that will attract teachers who are specially qualified to work in this environment.

SECTION J

Preamble: Minority children are over-represented in the population committed to the Department of Corrections. Research indicates that, prior to commitment, minority children receive fewer services than non-minority children. They also are less likely to be placed in community-based programs and more likely to be placed in an institution once they are committed to the Department of Corrections.

Public Comment:

"We have a lot of Black and Hispanic children who are tremendously over-represented . . . those same youngsters have not been involved in community-based services as much, so we have a broad range of problems."

Mary Black
Executive Director
Black Family and Child Services

"I'm concerned . . . about the percentage of minorities involved with DOC."

Carol Kamin, Ph.D.
Executive Director
Children's Action Alliance

Commission Recommendations:

35)

It is recommended that the Department of Juvenile Corrections provide and monitor equal access for all children to the full continuum of care, especially to community-based programs.

36)

It is recommended that psychiatric health facilities operated by the Department of Health Services, Division of Behavioral Health, used for the treatment of juveniles adjudicated delinquent also be monitored by the Arizona Department of Juvenile Corrections for equal access.

37)

It is recommended that equal access to the full continuum of care be provided to all children prior to commitment to the Department of Juvenile Corrections.

SECTION K

Preamble: In order to provide effective treatment to committed youth, they must be seen in the context of their families. Research indicates that a significant number of committed youth have experienced great stress in their family living environment. Children from low income families are over-represented in the commitment population. A disproportionate number of committed children have parents or siblings with a criminal record. A substantial number are from families that have been labeled "dysfunctional". It is unrealistic to expect many of these children to return to their homes successfully unless there has been prior family involvement and there is subsequent supervision and assistance.

Public Comment:

" . . . families become so overwhelmed with all the dynamics—both trying to parent the child and deal with this very complex system—that they give up."

Mary Black
Executive Director
Black Family and Child Services

"I don't think these kids are going to get better unless we involve the families."

Brenda Smith
CODAC Behavioral Health Services

" . . . it is important to include all members of the family with regards to supporting a juvenile in treatment."

John R. Lewis
Executive Director
Inter-Tribal Council of Arizona, Inc.

Commission Recommendations:

38)

It is recommended that all the state's youth be served as close to their families and communities as possible.

39)

It is recommended that transportation, when necessary, be provided for family members to enable them to visit with committed youth and to participate in treatment.

40)

It is recommended that visitation, treatment and other program policies and components be flexible in order to encourage maximum participation by all family members.

SECTION L

Preamble: Juvenile court jurisdiction ends when a juvenile reaches age eighteen. The Juvenile Court Rules of Procedure state that juvenile offenders are transferred to criminal court because "... the public safety or interest would best be served ..." by adult prosecution. Age is the deciding factor in many transfers to criminal court. It is difficult for the juvenile system to respond to the needs of youth who are committed shortly before their eighteenth birthday. It is also difficult for the adult system to meet the needs of these young offenders.

Public Comment:

"I recommend that the Commission consider the Youthful Offenders Act. Eighteen years of age, I think, is an arbitrary cut-off . . ."

Richard Wilson
Chief Probation Officer
Pima County Juvenile Court Center

Commission Recommendation:

41)

It is recommended that the Legislature establish and fund a youthful offender program as a sentencing alternative for young offenders who have been transferred to, and convicted in, adult court, as recommended by the Commission on the Courts and approved by the Arizona Supreme Court (see Appendix G).

SECTION M

Preamble: The Governor's Select Commission on Juvenile Corrections was established to develop recommendations for juvenile corrections that would take into account public safety considerations, a "least restrictive environment" philosophy, and individualized treatment needs.

The Commission has established a direction for juvenile corrections based on a review of these issues and has made recommendations for pursuing this new direction. The next year will bring many challenges to juvenile corrections. A specific plan for the implementation of these recommendations is now needed.

Commission Recommendation:

42)

It is recommended that a Task Force on Juvenile Corrections be appointed to develop a specific plan for implementing Commission recommendations, to make budget recommendations for implementation of that plan, to provide continuity during the transition period, and to develop broad support for informed public policy in the area of juvenile justice.

COMMISSION MEMBERS

Bill Jamieson, Jr., Chairman

Episcopal Diocese of Arizona

Bud Bolton, Ph.D.

Organizational Diagnostics, Inc.

Barbara Cerepanya

Deputy Public Defender

Maricopa County Public Defender's Office

Ernesto Garcia

Director of Court Services

Maricopa County Juvenile Court

Toni Neary Harper

Director

Governor's Office for Children

James M. Howard

Chief Counsel

Attorney General's Office

Dr. Rodney Jilg

Executive Director

Southern Arizona Mental Health Center

Samuel A. Lewis

Director

Department of Corrections

Linda Moore-Cannon

Director

Department of Economic Security

Mike Palmer

Representative, District 8

Arizona House of Representatives

Jack Rose

Faculty

Glendale Community College

Wayne Stewart

Juvenile Division Chief

Maricopa County Attorney's Office

Ray Borane

Deputy Superintendent

Department of Education

Boyd Dover

Assistant Director

DHS Division of Behavioral Health

Arjelia "Argie" Gomez

Division Director of Juvenile Services

Arizona Supreme Court

Dave Hedgcock

Executive Director

New Foundation

Carol L. Hurtt

Director Designee

Department of Juvenile Corrections

Don Kenney

Representative, District 19

Arizona House of Representatives

James E. McDougall

Presiding Juvenile Court Judge

Maricopa County

Ruben B. Ortega

Chief of Police

City of Phoenix

Peter Rios

Senator, District 7

Arizona State Senate

Ivan L. Sidney

Past Chairman

Hopi Tribe

Dr. Morrison F. Warren

Professor Emeritus of Education

Arizona State University

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